



Legislation Details (With Text)

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Title: Actions pertaining to the summary vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW12149
2. ***RESOLUTION - Ordering the summary vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue (Subject to Mayor's Veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-00590 Vicinity Map Parkway Drive, 2. 20-00590 Environmental Assessment Number 12149, 3. 20-00590 RES Summary Parkway Drive

Date	Ver.	Action By	Action	Result
5/21/2020	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

May 21, 2020

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SUBJECT

Actions pertaining to the summary vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW12149
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RECOMMENDATIONS

Staff recommends the Council adopt a Categorical Exemption for Environmental Assessment Number PW12149; and adopt a resolution ordering the summary vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue, as described in Exhibit “A”, as shown on Exhibit “B” and detailed in Exhibit “C” of the attached resolution.

EXECUTIVE SUMMARY

The State of California is requesting the vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue. The purpose of the vacation is to eliminate excessive public street right-of-way and accommodate the development of the adjacent property.

BACKGROUND

The proposed vacation is needed to vacate public street and pedestrian easements that are remnants and are no longer needed, as a result of the realignment of State Route 99 associated with the High Speed Rail construction. The project also realigned North Parkway Drive and created excess public street right-of-way at the old North Parkway Drive alignment, along with an excess pedestrian walkway easement. The adjacent property owner would like to incorporate this excess right-of-way into land for future development and remove public easements on the property which no longer serve any purpose.

The Public Works Department, other City Departments and utility agencies have reviewed this proposal and determined that the street and pedestrian right-of-way proposed for vacation is unnecessary for present or prospective public purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate public street and pedestrian easements that are considered excess right-of-way, are 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

This project is exempt under Section 15301/Class 1 (Existing Facilities) 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; and, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety). The City of Fresno will not make any physical changes to this public street. The City will only be vacating a portion of a public street and pedestrian easements that are no longer necessary for public use which qualifies for this categorical exemption.

The proposed vacation of the above-described land meets the criteria noted above. There is no substantial evidence in the record that any of the exceptions to these Categorical Exemptions, set forth in CEQA Guidelines, Section 15300.2 apply to this project. Therefore, no adverse environmental impacts will occur as a result of the proposed 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 State of California has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Vicinity Map Parkway Drive

Environmental Assessment Number PW12149

Resolution Summary Parkway Drive