



## Legislation Details (With Text)

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**Title:** Actions pertaining to Resolution of Intention No. 1144-D to vacate East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites (Council District 5):

1. Adopt Initial Study and a Negative Declaration finding per staff determination, pursuant to California Environmental Quality Act (CEQA) Guidelines §15070
2. Adopt Resolution of Intention No. 1144-D to vacate East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 21-934 Townsend Garden Heaton Vacation Vicinity Map, 2. 21-937 Townsend Garden Heaton Vacation Negative Declaration, 3. 21-937 Resolution of Intent No. 1144-D

Date	Ver.	Action By	Action	Result
12/9/2021	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

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## SUBJECT

Actions pertaining to Resolution of Intention No. 1144-D to vacate East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites (Council District 5):

1. Adopt Initial Study and a Negative Declaration finding per staff determination, pursuant to California Environmental Quality Act (CEQA) Guidelines §15070
2. Adopt Resolution of Intention No. 1144-D to vacate East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites.

## RECOMMENDATIONS

Staff recommends the City Council adopt a finding of Negative Declaration per staff determination, pursuant to California Environmental Quality Act (CEQA) Guidelines §15070 and adopt Resolution of Intention No. 1144-D for the proposed vacation of East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites, and set the required hearing at 10:00 a.m. on January 13, 2022.

## **EXECUTIVE SUMMARY**

The Fresno Pacific University is proposing to vacate East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying east of South Winery Avenue in Tract Number 1552 - Campus Homesites. The purpose of this vacation is to incorporate those areas into the University's daily use.

## **BACKGROUND**

East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue are all sixty-foot-wide public streets that were originally dedicated by Tract Number 1552 - map of Campus Homesites, recorded on August 1, 1956, in Volume 18 of Plats, at Page 76, Fresno County Records. The Fresno Pacific University (FPU) is requesting this proposed vacation of these public street easements to incorporate those areas into the University's use for daily activities, development, and supplemental parking. The purpose of the street vacation is to enhance FPU campus security by facilitating control of access on a public street and allowing greater flexibility for the development of the proposed Culture and Arts Center including additional parking. The location of the existing streets, curbs, gutters, sidewalks, and streetlights will not change as a result of the street vacation. However, the maintenance responsibility of these facilities shall be transferred from the City of Fresno to FPU. The University owns all of the adjacent properties with the exception of one, which it is currently looking to acquire.

The Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street easement proposed for vacation is unnecessary for present or prospective public street purposes, as described in Exhibit "A" and as shown on Exhibit "B", subject to conditions of approval as listed in Exhibit "C", said exhibits are included in the attached Resolution of Intent.

The City is not disposing of any land and therefore the Surplus Land Act is not applicable.

The City Attorney's Office has approved the attached Resolution to Vacate 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**

As defined by Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines, an Initial Study was prepared primarily to provide the Lead Agency with information to use as the basis for determining whether an Environmental Impact Report (EIR), Negative Declaration, or Mitigated Negative Declaration would be appropriate for providing the necessary environmental documentation and clearance for any proposed project. The purpose of the street vacation is to

enhance FPU campus security by facilitating control of access on a public street and allowing greater flexibility for the development of the proposed Culture and Arts Center including additional parking. The location of the existing streets, curbs, gutters, sidewalks, and streetlights will not change as a result of the street vacation. However, the maintenance responsibility of these facilities shall be transferred from the City of Fresno to FPU. Therefore, there is no physical change to the environment as a result of the proposed street vacation. According to Section 15070(a), a Negative Declaration is deemed appropriate if the proposal would not result in any significant effect on the environment.

## **LOCAL PREFERENCE**

Local preference does not apply because the vacation of a public street easement does not involve bidding or contracting.

## **FISCAL IMPACT**

The location of the proposed vacation is within Council District 5 and there will be no City funds involved with this vacation. Fresno Pacific University has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

### **Attachments:**

Townsend Garden Heaton Vacation Vicinity Map

Townsend Garden Heaton Vacation Negative Declaration

Resolution of Intent No. 1144-D