



Legislation Details (With Text)

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Title: Actions pertaining to the summary vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue (Council District 6):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number PW13227 per staff determination, pursuant to Section 15301, Class 1 (b, c) Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines
2. RESOLUTION - Ordering the summary vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 23-460 Audubon Basin Vicinity Map, 2. 23-460 EA-PW13227, 3. 23-460 Audubon Basin Resolution to Vacate, 4. ID 23-460 (1-DD) Supplemental Packet

Date	Ver.	Action By	Action	Result
3/30/2023	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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SUBJECT

Actions pertaining to the summary vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue (Council District 6):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number PW13227 per staff determination, pursuant to Section 15301, Class 1 (b, c) Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines
2. RESOLUTION - Ordering the summary vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue

RECOMMENDATIONS

Staff recommends the City Council adopt a finding of Categorical Exemption per Environmental Assessment Number PW13227, pursuant to Section 15301, Class 1 (b, c) Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines and adopt the attached resolution ordering the summary vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue.

EXECUTIVE SUMMARY

Zinken Development is requesting the proposed vacation of a temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08. The purpose of this proposed vacation is to accommodate development associated with site plan number P20-0331 for commercial development.

BACKGROUND

This temporary drainage basin easement was deeded to the City of Fresno on October 14, 1977, as Instrument Number 110688, Official Records Fresno County to accommodate drainage for the development in this area. This basin was constructed for temporary use until permanent facilities were put in place and accepted by the Fresno Metropolitan Flood Control District (FMFCD). In or around 2002 permanent facilities were constructed and accepted by FMFCD. The basin was then back filled shortly after and has remained in this condition since that time. The land owner/applicant is requesting the removal of the drainage basin easement from this land as an encumbrance. Vacating this temporary storm drain basin easement will allow the site to be developed.

The Public Works Department and FMFCD have reviewed the proposed vacation and determined the vacation of the temporary storm drain basin easement on Parcel D and Parcel E of Tentative Parcel Map No 2021-08, lying south of East Audubon Drive, between North Friant Avenue and East Cole Avenue as described in Exhibit A and as shown on Exhibit B is not necessary at this location, said exhibits are included in the attached Resolution.

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 as to form.

The vacation, if approved by Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment of this project and has determined this project falls within the Class 1 (b, c) Categorical Exemption set forth in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(b, c), Class 1 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. 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). This project is vacating a temporary drainage basin easement that has been back filled and no longer used for drainage purposes. 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 temporary drainage basin easement does not involve bidding or contracting.

FISCAL IMPACT

This vacation is located in Council District 6 and there will be no City funds involved with this vacation. Zinken Development has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Audobon Basin Vicinity Map

EA-PW13227

Audobon Basin Resolution to Vacate