



AGENDA ITEM NO.

COUNCIL MEETING

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

January 9, 2007

FROM: JON R. RUIZ, Interim Director  
Public Works Department

BY: SCOTT L. MOZIER, PE, Assistant Director  
Public Works Department

SUBJECT: ADOPT A RESOLUTION OF INTENTION TO VACATE A PORTION OF WEST CATTERN AVENUE NORTHEAST OF NORTH WEBER AVENUE AND PORTIONS OF NORTH WEBER AVENUE FROM NORTH OF WEST CATTERN AVENUE TO SOUTH OF WEST DEVLAN AVENUE IN COUNCIL DISTRICT NO. 2

### KEY RESULT AREA

Customer Satisfaction

### RECOMMENDATION

Recommend the Council adopt Resolution of Intention No. 1058-D for the vacation of a portion of West Cattern Avenue northeast of North Weber Avenue and portions of North Weber Avenue from north of West Cattern Avenue to south of West Devlan Avenue and set the required public hearing at 10:15 a.m. on February 6, 2007.

### EXECUTIVE SUMMARY

Summerset Limited, Inc. is requesting the vacation of a portion of West Cattern Avenue northeast of North Weber Avenue and portions of North Weber Avenue from north of West Cattern Avenue to south of West Devlan Avenue, as shown on Exhibit "A" of the attached Resolution of Intention. The purpose of the vacation is to accommodate the development of residential housing by increasing the lot size and allowing more area for septic leach fields.

### KEY OBJECTIVE BALANCE

The proposed vacation balances the three key objectives of Customer and Employee Satisfaction, and Financial Management. The proposed vacation provides for Customer Satisfaction by allowing for the construction of infill residential housing. Financial Management is achieved when the Customer who requested the vacation pays the City to process it, which relieves the City from incurring any future costs by initiating the vacation itself.

## **BACKGROUND**

Summerset Limited, Inc. is requesting the vacation of a portion of West Cattern Avenue northeast of North Weber Avenue and portions of North Weber Avenue from north of West Cattern Avenue to south of West Devlan Avenue. Said portions are labeled as Parcels "A", "B" and "C" as shown on Exhibit "A" of the attached Resolution of Intention. The right-of-ways for North Weber and West Cattern Avenues were dedicated by the map of Town of Herndon recorded in 1904. The right-of-ways were 80-feet wide as originally dedicated, but the City of Fresno's Public Works Department has determined that a right-of-way width of 56 feet is all that is needed in this residential area. The City of Fresno's Public Works Department's Street Division constructed concrete curbs throughout most of the neighborhood with a width of 36 feet from curb face to curb face, which allows for a 10 foot wide sidewalk pattern on both sides of the street per Public Works Standards, giving a total width of 56 feet. The purpose of the vacation is to accommodate the development of residential housing by increasing the lot size and allowing more area for septic leach fields.

The Traffic Division, other City Departments and utility agencies have reviewed this proposal and determined that the street right-of-way proposed for vacation is unnecessary for present or prospective public street purposes subject to the reservation of a public utility easement over all the area proposed to be vacated. The proposed vacation is also subject to 1) the requirement that curb, gutter, and sidewalk be constructed across the alley located on the northwest side of Cattern Avenue northeast of Weber Avenue that was previously vacated by the County of Fresno; and 2) the requirement that a sidewalk landing be constructed at the north corner of Weber and Cattern Avenues to Public Works Standards at a size sufficient to accommodate ADA requirements; and 3) that sufficient right-of-way be omitted from the vacation to accommodate the sidewalk landing. If the improvements are to be deferred, the vacation will proceed only after Public Works receives a recorded Deferral Agreement.

Environmental Assessment No. R-04-85 that addresses Parcel "A" located at the corner of Weber and Cattern Avenues, as shown on Exhibit "A" of the attached Resolution of Intention, shows that, with the implementation of the mitigation measures specified therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment and that a mitigated negative declaration is the appropriate environmental finding for this project in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Environmental Assessment No. EA-06-40 that addresses Parcels "B" and "C" located on the southwest side of Weber Avenue northwest and southeast of Devlan Avenue as shown on Exhibit "A" of the attached Resolution of Intention, shows with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class 1 of the CEQA guidelines.

The City Attorney's Office has approved the attached Resolution as to form.

Report to the City Council  
Adopt Resolution of Intention to Vacate a Portion of West Cattern Avenue  
January 9, 2007  
Page 3

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.

The applicant's proposed plans for development would require modification if the vacation is denied.

#### **FISCAL IMPACT**

There will be no impact to the City's General Fund.

JRR/SLM/AJ/eam  
Adopt Reso Vac Por W Catterm 1-9-07

P.W. File No. 11168

Attachments: Resolution of Intention

RESOLUTION OF INTENTION NO. 1058-D

RESOLUTION OF INTENTION TO VACATE A PORTION OF WEST CATTERN AVENUE  
NORTHEAST OF NORTH WEBER AVENUE AND PORTIONS OF NORTH WEBER  
AVENUE FROM NORTH OF WEST CATTERN AVENUE TO SOUTH OF WEST DEVLAN  
AVENUE IN COUNCIL DISTRICT NO. 2

WHEREAS, it is the intention of the Council of the City of Fresno, State of California (the "City"), to order the vacation of a portion of West Cattern Avenue northeast of North Weber Avenue and portions of North Weber Avenue from north of West Cattern Avenue to south of West Devlan, located exclusively within the City. For further particulars as to the proposed vacation, reference is hereby made to the attached Exhibit "A" , incorporated herein by reference and on file in the Office of the City Clerk of the City at Fresno City Hall, 2600 Fresno Street, Fresno, California, 93721; and

WHEREAS, the purpose of the vacation is to accommodate the development of residential housing by increasing the lot size and allowing more area for septic leach fields; and

WHEREAS, Environmental Assessment No. R-04-85 that addresses Parcel "A" located at the corner of Weber and Cattern Avenues as shown on Exhibit "A" of the attached Resolution of Intention, shows that, with the implementation of the mitigation measures specified therein, there is no substantial evidence that the proposed vacation may have a significant adverse effect on the environment and that a mitigated negative declaration is the appropriate environmental finding for this project in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2); and

WHEREAS, Environmental Assessment No. EA-06-40 that addresses Parcels "B" and "C" located on the southwest side of Weber Avenue northwest and southeast of Devlan Avenue as shown on Exhibit "A" of the attached Resolution of Intention, shows

with certainty that the project is categorically exempt and there is no possibility that the proposed vacation may have a significant adverse effect on the environment, and the proposed vacation is therefore exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(c)/Class 1 of the CEQA guidelines.

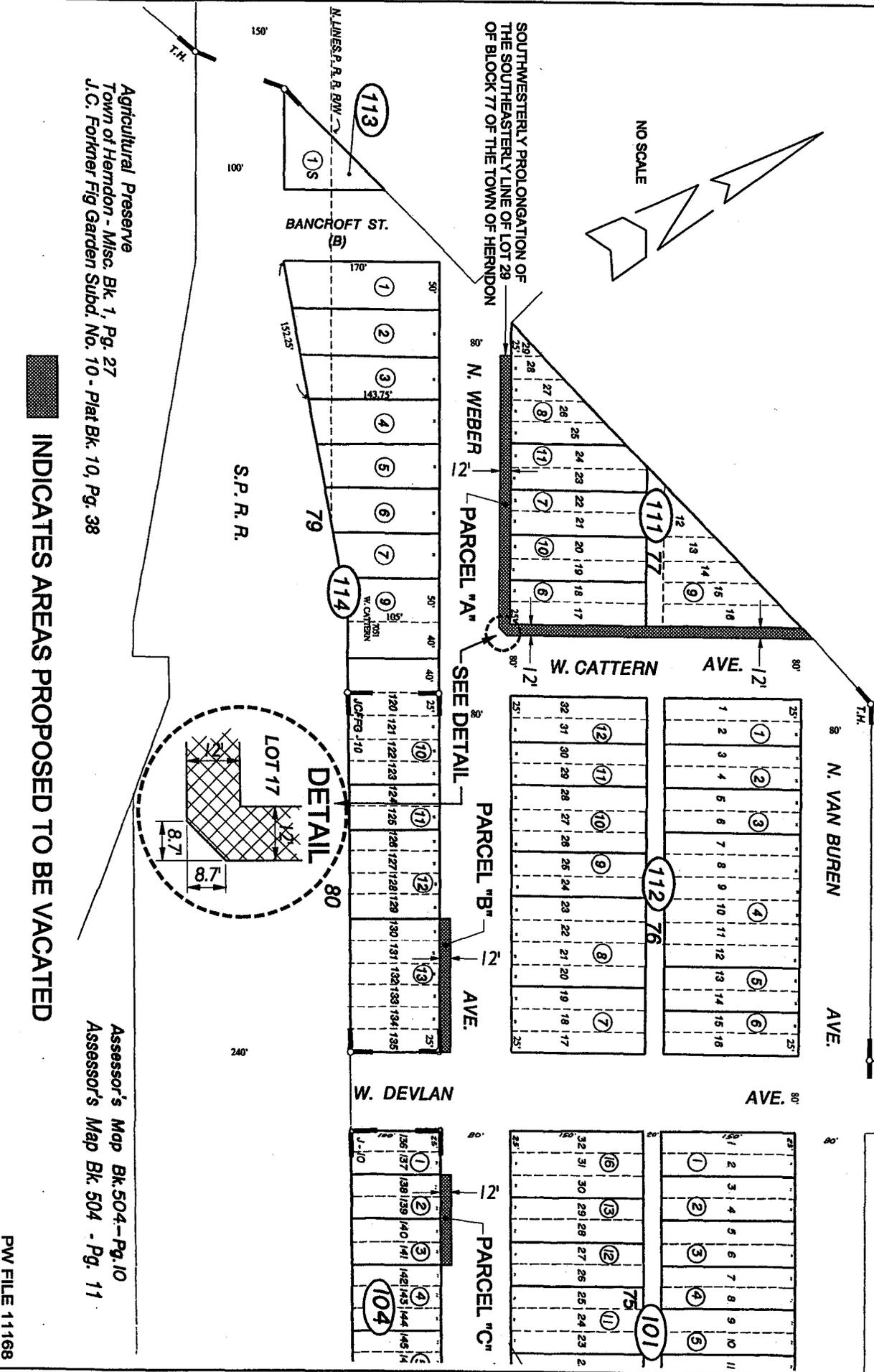
**NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:**

1. The hour of 10:15 a.m. on February 6, 2007 in the Council Chambers in Fresno City Hall, is hereby fixed as the time and place when and where all persons interested in or objecting to the proposed vacation may appear before the Council and be heard in relation thereto.
2. The Council elects to proceed under the provisions of Chapter 3, commencing with Section 8320, of the Public Streets, Highways, and Service Easements Vacation Law of the State of California.
3. The Public Works Director of the City is directed to cause notices of the proposed vacation to be published and posted for the time and in the manner prescribed by the provisions of Sections 8322 and 8323 of the California Streets and Highways Code.
4. The Council preliminarily determines that the public street easements proposed to be vacated are not useful as a bicycle path or route under applicable general, specific, or community plans and policies. If the Council does not rescind such preliminary determination, based on evidence or public testimony presented to it, orally or in writing, at or before the February 6, 2007 hearing, the Council may proceed to make a final determination, at the public hearing, that the public street easements be vacated as provided herein.



# EXHIBIT "A"

SUBDIVIDED LAND IN P.O.R. SEC. 32, T. 12 S., R. 19 E., M.D.B. & M.



Agricultural Preserve  
 Town of Herndon - Misc. Bk. 1, Pg. 27  
 J.C. Folkner Fig Garden Subd. No. 10 - Plat Bk. 10, Pg. 38

Assessor's Map Bk. 504 - Pg. 10  
 Assessor's Map Bk. 504 - Pg. 11

INDICATES AREAS PROPOSED TO BE VACATED