

AGENDA ITEM NO. 1 G

COUNCIL MEETING 11/03/11

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

November 3, 2011

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director
Public Works Department, Traffic and Engineering Services Division



SUBJECT:

1. ADOPT A FINDING OF CATEGORICAL EXEMPTION PER STAFF DETERMINATION, PURSUANT TO SECTION 15301/CLASS 1 OF THE CEQA GUIDELINES, ENVIRONMENTAL ASSESSMENT NO. EA-11-014
2. ADOPT THE ATTACHED RESOLUTION ORDERING THE SUMMARY VACATION OF EAST PONTIAC WAY FROM STATE ROUTE FREEWAY 168 TO OUTLOT "A" OF TRACT NO. 1072, BARTON ACRES, AND SAID OUTLOT "A" WHICH WAS OFFERED FOR DEDICATION FOR FUTURE STREET PURPOSES (NORTH MAPLE AVENUE) ON THE MAP OF SAID TRACT NO. 1072 (LOCATED IN COUNCIL DISTRICT NO. 4)

RECOMMENDATIONS

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1 of the California Environmental Quality Act Guidelines, Environmental Assessment No. EA-11-014.
2. Adopt the attached Resolution ordering the summary vacation of East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A" which was offered for dedication for future street purposes (North Maple Avenue) on the map of said Tract No. 1072.

EXECUTIVE SUMMARY

The City of Fresno's Airports Department has requested the vacation of East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A" which was offered for dedication for future street purposes (North Maple Avenue) on the map of said Tract No. 1072 as shown on Exhibit "A" of the attached Resolution. The area proposed to be vacated is currently vacant and has been graded into a flood control basin. The purpose of the vacation is to facilitate the conveyance of the area from the City of Fresno to the Fresno Metropolitan Flood Control District by removing the encumbrance of the above described easements.

The Traffic and Engineering Services Division and other City departments have reviewed this proposal and determined that there are no public street or utility facilities located within the easements and that the rights-of-way proposed for vacation are unnecessary for present or prospective public street purposes.

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15301/Class 1.

REPORT TO THE CITY COUNCIL

Summary Vacation of E. Pontiac Ave. Between Fwy. 168 and Outlot "A" of Tract 1072, and Outlot "A"

November 3, 2011

Page 2

BACKGROUND

The City of Fresno's Airports Department has requested the vacation of East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A" which was offered for dedication for future street purposes (North Maple Avenue) on the map of said Tract No. 1072 as shown on Exhibit "A" of the attached Resolution. The area proposed to be vacated is currently vacant and has been graded into a flood control basin. The purpose of the vacation is to facilitate the conveyance of the area from the City of Fresno to the Fresno Metropolitan Flood Control District by removing the encumbrance of the above described easements.

Tract No. 1072, Barton Acres was recorded April 12, 1950 in Volume 15 of Plats at Page 2, Fresno County Records. The portion of East Pontiac Way proposed to be vacated was offered for dedication and accepted as an easement for public road uses on said map of Tract No. 1072. Outlot "A", along the North Maple Avenue alignment, was offered for dedication and accepted as an easement for future public street purposes on said map of Tract No. 1072. Staff can find no record that Outlot "A" was further accepted as an easement for public street purposes and aerial photos and other records show that no street improvements were ever constructed within said Outlot "A".

The City acquired all the lots of Tract No. 1072 lying east of Freeway 168 in 1995 and 1996. By examining the aerial photos over the years it appears that the residences, the street improvements, and utilities were removed by 1997 and a flood control basin was constructed by 1999. All of the lots of Tract No. 1072, East Pontiac Way and Outlot "A" together with some adjacent City parcels are to be conveyed to the Fresno Metropolitan Flood Control District to use as a flood control basin.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and determined that there are no public street or public utility facilities located within the easements and that the rights-of-way proposed for vacation are unnecessary for present or prospective public street purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement when the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, or when for a period of five consecutive years, the street or highway has been impassable for vehicular travel and no public money was expended for maintenance on the street or highway during such period. 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 reviewed and approved the attached Resolution as to form.

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

ENVIRONMENTAL FINDING

Environmental Assessment Application No. EA-11-014 was prepared in order to vacate East Pontiac Way between Freeway 168 and the North Maple Avenue alignment. In addition, Outlot "A" of Tract 1072 will also be vacated. The subject property is expected to be conveyed to the Fresno Metropolitan Flood Control District for future facility enhancements to be determined.

This project is exempt under Section 15301/Class 1, of the State of California CEQA Guidelines. Section 15301/Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures and facilities, including, existing streets, sidewalks,

REPORT TO THE CITY COUNCIL

Summary Vacation of E. Pontiac Ave. Between Fwy. 168 and Outlot "A" of Tract 1072, and Outlot "A"

November 3, 2011

Page 3

gutters and similar facilities involving negligible or no expansion of the use that is existing at the time of the lead agency's determination.

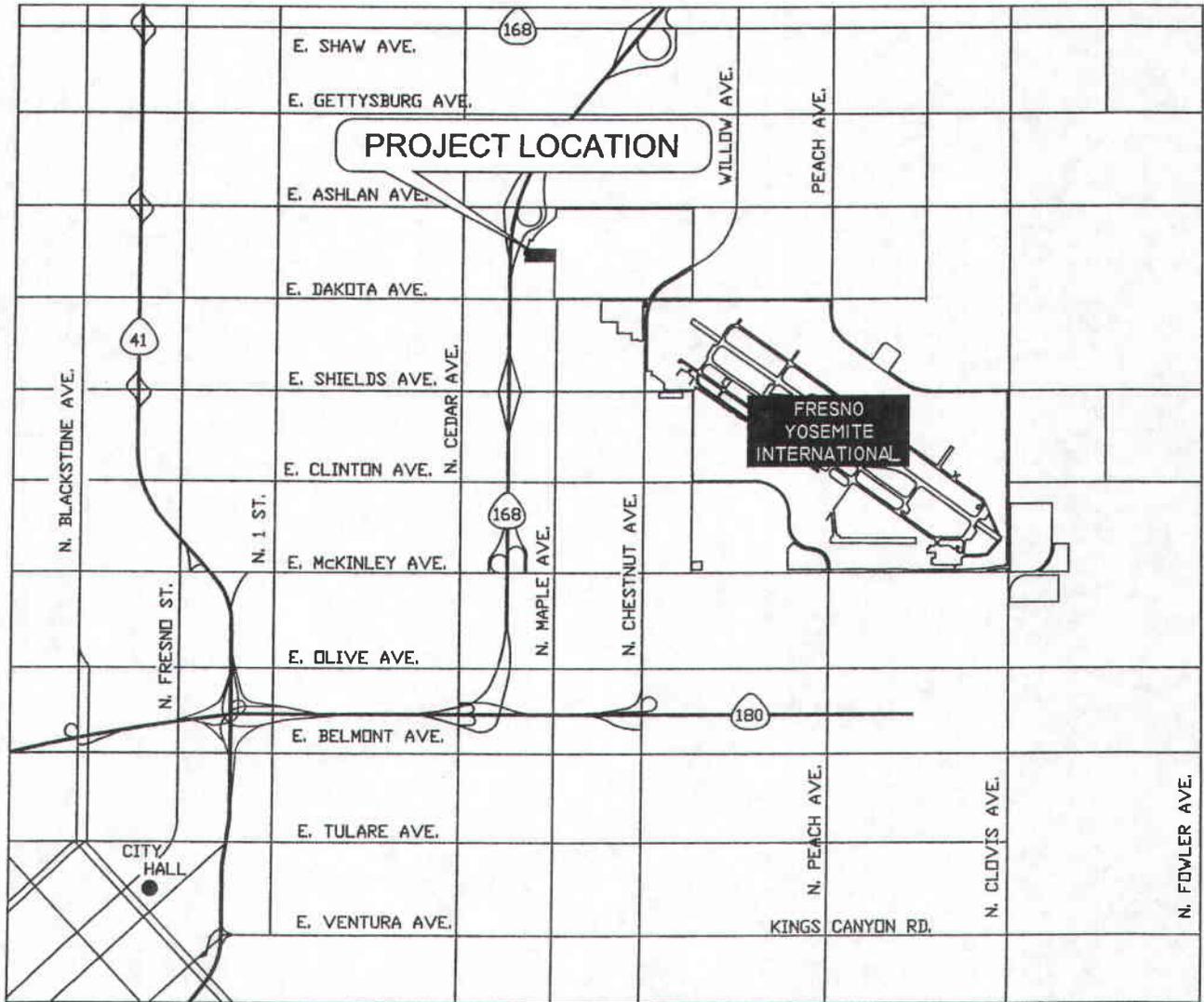
The proposed project consists of vacating the proposed property located at East Pontiac Way between Freeway 168 and the North Maple Avenue alignment. In addition Outlot "A" of Tract 1072 will also be vacated. The subject property is expected to be conveyed to the Fresno Metropolitan Flood Control District for future facility enhancements to be determined. The subject site is currently vacant and is surrounded by an animal shelter to the south, Freeway 168 to the west and storm basins to the north and east. The vacation will not result in an intensification of the current land use which is a vacant lot. The subject area is surrounded by urban uses and has no value as habitat for endangered, rare or threatened species. No adverse environmental impacts would occur as a result of the proposed project and none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

FISCAL IMPACT

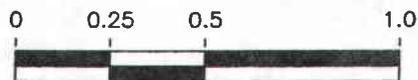
There will be no impact to the City's General Fund.

- Attachments:
1. Vicinity Map
 2. Environmental Assessment No. EA-11-014
 3. Resolution

P.W. File No. 11608



AIRPORT LOCATION PLAN



GRAPHIC SCALE IN MILES

DEPARTMENT OF AIRPORTS
 DIRECTOR OF AVIATION
 RUSSELL C. WIDMAR, AAE

FRESNO YOSEMITE

CITY OF FRESNO
 DEPARTMENT OF AIRPORTS
 4995 EAST CLINTON WAY
 FRESNO, CALIFORNIA 93727
 PHONE: 559-621-4500

FRESNO YOSEMITE INTERNATIONAL AIRPORT
 VACATION OF PONTIAC WAY AND
 NORTH MAPLE AVENUES
 VICINITY MAP

file path and name

KRA NO. _____
 FUND NO. _____
 ORG NO. _____
 ACTIVITY _____
 PROJECT I.D. _____

REVISIONS/REFERENCE
 REV NO.

CONST. ENG. _____
 CITY DESIGN ENG. _____

APPROVED
 OFFICE ENG. _____

DR. BY: LNS
 CH. BY: RD
 DATE: 8-10-2011
 SCALE: N/A

CITY DRAWING NO.
 SHEET NO.

1
 OF 1 SHEETS

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. EA-11-014**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Ron Duarte
City of Fresno – Airports Department
4995 East Clinton Way
Fresno, CA 93727

PROJECT LOCATION: Vacation of East Pontiac Way between Freeway 168 and North Maple
Avenue alignment and Outlot A of Tract No. 1072
(See attached Exhibit)

PROJECT DESCRIPTION: Environmental Assessment Application No. EA-11-014 is prepared in order
to vacate East Pontiac Way between Freeway 168 and the North Maple
Avenue alignment. In addition, Outlot A of Tract 1072 will also be vacated.
The subject property is expected to conveyed over to the Fresno
Metropolitan Flood Control District for future facility enhancements to be
determined.

This project is exempt under Sections 15301/Class 1, 1 of the State of California CEQA Guidelines.

EXPLANATION:

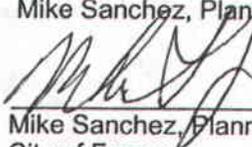
Section 15301/Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures and facilities, including, existing streets, sidewalks, gutters and similar facilities involving negligible or no expansion of the use that of existing at the time of the lead agency's determination.

The proposed project consists of vacating the proposed property located at East Pontiac Way between Freeway 168 and the North Maple Avenue alignment. In addition Outlot A of Tract 1072 will also be vacated. The subject property is expected to conveyed over to the Fresno Metropolitan Flood Control District for future facility enhancements to be determined. The subject site is currently vacant and is surrounded by an animal shelter to the south, Freeway 168 to the west and storm basins to the north and east. The vacation will not result in an intensification of the current land use which is a vacant lot. The subject area is surrounded by urban uses and has no value as habitat for endangered, rare or threatened species. No adverse environmental impacts would occur as a result of the proposed project.

Date: September 22, 2011

Prepared By: Mike Sanchez, Planning Manager

Submitted By:



Mike Sanchez, Planning Manager
City of Fresno
Development and Resource Management Department
(559) 621-8277

Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF EAST PONTIAC WAY FROM STATE ROUTE FREEWAY 168 TO OUTLOT "A" OF TRACT NO. 1072, BARTON ACRES, AND SAID OUTLOT "A" WHICH WAS OFFERED FOR DEDICATION FOR FUTURE STREET PURPOSES (NORTH MAPLE AVENUE) ON THE MAP OF SAID TRACT NO. 1072

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate portions of East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A" which was offered for dedication for future street purposes (North Maple Avenue) on the map of said Tract No. 1072; and

WHEREAS, the public road easement and the easement for future street purposes proposed to be vacated are shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the purpose of the vacation is to facilitate the conveyance of the area from the City of Fresno to the Fresno Metropolitan Flood Control District by removing the encumbrance of the above described easements; and

WHEREAS, the portion of East Pontiac Way proposed to be vacated was offered for dedication and accepted as an easement for public road uses on said map of Tract No. 1072

Barton Acres, recorded April 12, 1950 in Volume 15 of Plats at Page 2, Fresno County Records. Outlot "A", along the North Maple Avenue alignment, was offered for dedication and accepted as an easement for future public street purposes on said map of Tract No. 1072; and

WHEREAS, the City acquired all the lots of Tract No. 1072 lying east of Freeway 168 in 1995 and 1996, the street improvements, and utilities were removed by 1997, and a flood control basin was constructed by 1999; and

WHEREAS, the area proposed to be vacated is currently vacant and has been graded into a flood control basin; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and determined that there are no public street or public utility facilities located within the easements and that the rights-of-way proposed for vacation are unnecessary for present or prospective public street purposes; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement (which includes pedestrian easements) when the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, or when for a period of five consecutive years, the street or highway has been impassable for vehicular travel and no public money was expended for maintenance on the street or highway during such period. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemptions set forth in CEQA Guidelines Section 15301/Class 1; and

WHEREAS, the Council desires to summarily vacate East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A" which was offered for dedication for future street purposes (North Maple Avenue) on the map of said Tract No. 1072, as shown on Exhibit "A".

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

1. The above recitals are true and correct and incorporated herein.
2. Based upon the review and consideration of the environmental documentation provided, the adoption of the proposed vacation is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that this project is exempt under Section 15301/Class 1, of the State of California CEQA Guidelines. Section 15301/Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures and facilities, including, existing streets, sidewalks, gutters and similar facilities involving negligible or no expansion of the use that is existing at the time of the lead agency's determination.

The proposed project consists of vacating the proposed property located at East Pontiac Way between Freeway 168 and the North Maple Avenue alignment. In addition Outlot "A" of Tract 1072 will also be vacated. The subject property is expected to be conveyed to the Fresno Metropolitan Flood Control District for future facility enhancements to be determined. The subject site is currently vacant and is surrounded by an animal shelter to the south, Freeway 168 to the west and storm basins to the north and east. The vacation will not result in an intensification of the current land use which is a vacant lot. The subject area is surrounded by urban uses and has no value as habitat for endangered, rare or threatened species. No adverse environmental impacts would occur as a result of the proposed project

and none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

3. East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A" which was offered for dedication for future street purposes (North Maple Avenue) on the map of said Tract No. 1072, as shown on Exhibit "A" are hereby vacated.

4. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

5. This vacation shall become effective on the date this resolution is recorded.

6. From and after the date this resolution is recorded, East Pontiac Way from State Route Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, as shown on Exhibit "A" shall no longer constitute a public road easement, and said Outlot "A" of Tract No. 1072 as shown on Exhibit "A" shall no longer constitute an easement for future street purposes.

///

///

///

///

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2011.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2011
Mayor Approval/No Return: _____, 2011
Mayor Veto: _____, 2011
Council Override Vote: _____, 2011

REBECCA E. KLISCH
City Clerk

BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: 
Mark Gleason, Deputy

PW File No. 11608

Summary Vac. of E. Pontiac Way from SR Freeway 168 to Outlot "A" of Tract No. 1072, Barton Acres, and said Outlot "A"

EAST ASHLAN AVENUE

NORTH 1/4 CORNER
SECTION 24, 13/20

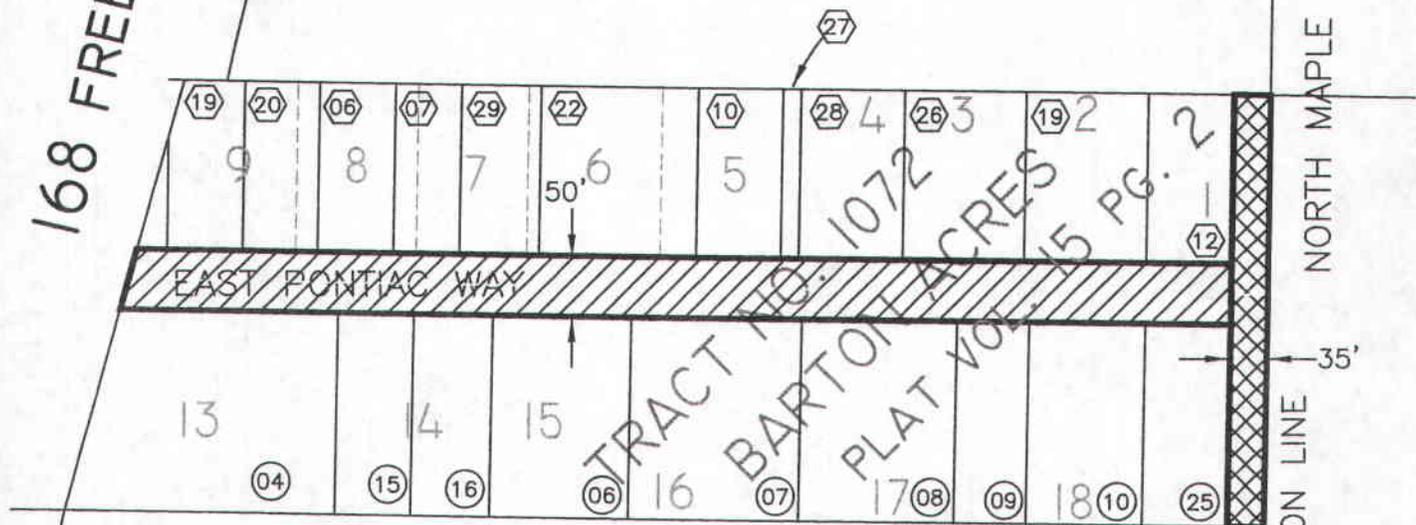


0 250
SCALE IN FEET

SCANDINAVIAN
COLONY

168 FREEWAY

NORTH MAPLE AVENUE (Alignment)



- INDICATES OFFER OF STREET DEDICATION FOR FUTURE STREET PER TRACT 1072 TO BE VACATED (OUTLOT "A")
- INDICATES PROPOSED STREET VACATION

APN:
438-062-(04) 438-061-(06)

EXHIBIT "A"

DEPARTMENT OF AIRPORTS	FRESNO YOSEMITE INTERNATIONAL AIRPORT	KRA NO. _____	REVISIONS/REFERENCE
	DIRECTOR OF AVIATION RUSSELL C. WIDMAR, AAE	CITY DESIGN ENG. _____	REF. 25-A-223 REF. 25-A-238 REF. 25-A-239
CITY OF FRESNO DEPARTMENT OF AIRPORTS 4995 EAST CLINTON WAY FRESNO, CALIFORNIA 93727 PHONE: 559-621-4500	VACATION OF EAST PONTIAC WAY AND NORTH MAPLE AVENUE	DR. BY: LNS	CITY DRAWING NO. 25-A-381
	J:\ARCHIVE\25A\25A00381.dwg	CH. BY: RD DATE: 8-10-2011 SCALE: N/A	SHEET NO. 1 OF 1 SHEETS