



Legislation Details (With Text)

File #: ID 24-354 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 2/29/2024 **In control:** City Council

On agenda: 3/21/2024 **Final action:** 3/21/2024

Title: Approve the Agreement for Purchase and Sale of Real Property and Escrow Instructions to acquire fee interest from a portion of Assessor’s Parcel Number 477-040-58 for a total cost of \$32,000 for the Southwest Fresno Trail Project. (Council District 3)

Sponsors: Capital Projects Department, Public Works Department

Indexes:

Code sections:

Attachments: 1. 24-354 Purchase and Sale Agreement.pdf, 2. 24-354 Vicinity Map.pdf, 3. 24-354 Location Map.pdf

Date	Ver.	Action By	Action	Result
3/21/2024	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

FROM: RANDALL W. MORRISON, PE, Director
Capital Projects Department

SCOTT L. MOZIER, PE, Director
Public Works Department

BY: JESUS AVITIA, PE, Assistant Director
Capital Projects Department, Transportation Project Management Division

NANCY BRUNO, Supervising Real Estate Agent
Capital Projects Department, Capital Administration Division

SUBJECT

Approve the Agreement for Purchase and Sale of Real Property and Escrow Instructions to acquire fee interest from a portion of Assessor’s Parcel Number 477-040-58 for a total cost of \$32,000 for the Southwest Fresno Trail Project. (Council District 3)

RECOMMENDATIONS

Staff recommends that the City Council approve the Agreement for Purchase and Sale of Real Property and Escrow Instructions to acquire a 0.20-acre (8,778 square feet) portion of a 7.82-acre (340,639 square feet) unimproved parcel, located at 925 West Church Road (Assessor’s Parcel Number (APN) 477-040-58), owned by Gerald T. Griffin, for a total amount of \$32,000 in monetary consideration to provide the area necessary to construct the Class I Trail along the Fanning Number 76 Ditch alignment for the Southwest Fresno Trail Project, and authorize the Capital Projects Director

or his designee to sign all documents necessary to complete the subject acquisition.

EXECUTIVE SUMMARY

The subject acquisition, memorialized in the Agreement for Purchase and Sale of Real Property and Escrow Instructions, will provide the City with fee title ownership, which is necessary to construct the Class I Trail along the Fanning Number 76 Ditch alignment for the Southwest Fresno Trail Project. The Project requires a 0.20-acre (8,778 square feet) portion in fee interest from a 7.82-acre (340,639 square feet) unimproved parcel located at 925 West Church Road (APN 477-040-58), owned by Gerald T. Griffin.

Gerald T. Griffin and the City came to a mutually agreed upon total amount of \$32,000 as just compensation for the fee title acquisition of a portion of the parcel and signed the Agreement for Purchase and Sale of Real Property and Escrow Instructions on February 12, 2024.

BACKGROUND

As part of the approved Master Grant Agreement for the Transformative Climate Communities (TCC) grant program with the Strategic Growth Council (SGC) for development and implementation of greenhouse gas emissions reduction projects in the amount of \$65,500,000, the City is implementing the Southwest Fresno Trail Project. The Project will construct a Class I Trail along the Fanning No. 76 Ditch alignment, from West Avenue to Thorne Avenue, and will include planting of trees and the installation of trail and street lighting.

City Staff have worked with the property owner to acquire fee interest of a portion of the subject parcel for the Southwest Fresno Trail Project since 2021, at which time an Agreement for Purchase Option was executed on April 7, 2021. Upon the expiration of said Purchase Option on April 7, 2022, City staff requested a one-year extension of the Option Agreement, which was rejected by the property owner. To restart the acquisition process, City staff retained Real Property Analysts to prepare an updated appraisal report of fair market value of the portion of the property necessary for the Project. The appraiser determined the total value of the portion of the parcel to be acquired to be \$21,946.18, rounded to \$22,000.

City staff met with the property owner and presented a formal offer on January 9, 2024. The property owner did not agree with the value of the land offered, and requested additional compensation which he felt was appropriate for the portion desired by the City. In an effort to avoid further delays to the Project and additional costs of City staff time, a total amount of \$32,000 was mutually agreed upon as just compensation for the acquisition. On February 12, 2024, Gerald T. Griffin agreed to and signed the Agreement for Purchase and Sale of Real Property and Escrow Instructions.

The City Attorney's Office has reviewed and approved the purchase agreement and associated deed as to form.

ENVIRONMENTAL FINDINGS

A Mitigated Negative Declaration, Document Number E202010000079, was prepared for the Southwest Fresno Trail Project. The Fresno City Council adopted the Mitigated Negative Declaration on April 23, 2020. An Addendum to the Mitigated Negative Declaration was later prepared and adopted by the Fresno City Council on November 16, 2023. The Mitigated Negative Declaration

assessed the potential environmental impacts from the design and construction of an approximately 0.8-mile-long Class I trail along the Fanning Ditch alignment between West Avenue and Thorne Avenue in the City of Fresno, County of Fresno, California. This approval seeks to implement a portion for the project by acquiring property necessary to complete the continued trail.

An analysis has been performed pursuant CEQA Guidelines §15162 to determine whether subsequent environmental review is required for this approval. Based upon this analysis the following findings are made to support the determination that no subsequent environmental review is required:

1. No substantial changes are proposed in the project which will require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the Southwest Fresno Trail is being implemented as planned. Specifically, this approval proposes acquisition of a piece of property which is a necessary component of the project as assessed.
2. No substantial changes have occurred with respect to the circumstances under which the project was undertaken which will require major revisions of the previous Mitigated Negative Declaration or Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. There is no new information, which was not known and could not have been known at the time of the previous Mitigated Negative Declaration showing that:
 - a. The project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration
 - b. Significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration;
 - c. Mitigation measures or alternatives previously found to be not feasible are now feasible and would substantially reduce one or more significant effects of the project.

Based upon these findings, it has been determined that no further environmental documentation is required for this approval.

LOCAL PREFERENCE

Local preference was not considered because this agreement does not include a bid for or an award of a construction or services contract.

FISCAL IMPACT

The Southwest Fresno Trail Project is within Council District 3. The acquisition will have no impact to the General Fund. All project costs for the right-of-way phase are funded with TCC Grant Funding and local Measure P Funding. All funds necessary for the acquisition are included in the current fiscal year budget as previously adopted by the City Council

Attachments:

Purchase and Sale Agreement

Vicinity Map

Location Map