



Legislation Details (With Text)

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Title: Actions pertaining to the acquisition of a portion of APN: 310-041-07, owned by Christopher Scott Schulte to widen Clinton Avenue between Fowler and Locan Avenues for Tract Map 5341. (Council District 4)
1. ***RESOLUTION - 5th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$30,100 for the public street and public utility easement right-of-way acquisition for Tract Map 5341 on Clinton Avenue between Fowler and Locan Avenues. (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. Approve the acquisition of 8,238 square feet of permanent easement from property owned by Christopher Scott Schulte, in the amount of \$90,100 (APN 310-041-07) to widen Clinton Avenue between Fowler Avenue and Locan Avenue.

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 18-0973 Annual Appropriation Resolution.pdf, 2. 18-0973 Vicinity Map.pdf, 3. 18-0973 LocationMap.pdf, 4. 18-0973 Purchase and Sale Agreement.pdf

Date	Ver.	Action By	Action	Result
8/30/2018	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

August 30, 2018

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SUBJECT

Actions pertaining to the acquisition of a portion of APN: 310-041-07, owned by Christopher Scott Schulte to widen Clinton Avenue between Fowler and Locan Avenues for Tract Map 5341.

(Council District 4)

1. ***RESOLUTION - 5th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$30,100 for the public street and public utility easement right-of-way acquisition for Tract Map 5341 on Clinton Avenue between Fowler and Locan Avenues. (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. Approve the acquisition of 8,238 square feet of permanent easement from property owned by Christopher Scott Schulte, in the amount of \$90,100 (APN 310-041-07) to widen Clinton Avenue between Fowler Avenue and Locan Avenue.

RECOMMENDATIONS

Staff recommends Council approve the 5th Amendment to the Annual Appropriation Resolution No. 2018-157 to appropriate \$30,100 for the public street and public utility easement right-of-way acquisition for Tract Map 5341 on Clinton Avenue between Fowler and Locan Avenues; approve the acquisition of 8,238 square feet of permanent easement from property owned by Christopher Scott Schulte, in the amount of \$ 90,100 (APN 310-041-07) to widen Clinton Avenue between Fowler Avenue and Locan Avenue for Tract Map 5341; and authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

EXECUTIVE SUMMARY

Century Communities (formerly Benchmark) requested City's assistance in 2017 to acquire right-of-way from six parcels along Clinton Avenue between Fowler Avenue and Locan Avenue. The right-of-way is necessary for the construction of improvements which are required as part of the subdivision agreement for Tract Map 5341. Century Communities deposited \$250,000 in order to fund City staff costs and pay the value of the right-of-way to be acquired. Acquisition of the right-of-way from five of the parcels is complete. Acquisition from the Schulte's parcel will complete the right-of-way needed to widen this section of Clinton Avenue.

BACKGROUND

Century Communities requested City assistance to acquire right-of-way from six properties along Clinton Avenue between Fowler Avenue and Locan Avenue. They received City approval to construct a residential housing tract with 161 homes on the south side of Clinton, east of Temperance. Many of those homes have been now been built or are being constructed. The Tentative Tract Map Conditions of Approval require that Century widen Clinton Avenue between Fowler Avenue and Locan Avenue. The work on Clinton Avenue also includes the installation of a sewer main and a large diameter storm drain pipe. The sewer and storm drain installation is now complete, but additional street widening is still planned. The City needs to acquire 8,238 square feet of permanent easement (right-of-way) to be able to construct the infrastructure as part of the Tentative Tract Map Conditions of Approval requirement.

The City retained Kelly P. Stevens Real Property Analysts to appraise the property. Mr. Stevens worked under the direction of Lawrence D. Hopper, MAI. The right-of-way is being acquired for the amount established by the appraisal. The amount includes the value of the land and the impacts to existing improvements (trees, fence, gates, driveway, etc.) on the property. The City Attorney's Office has reviewed and approved as to form.

Funds were allocated to purchase right-of-way from all six of the parcels on Clinton Avenue in the

budget for Fiscal Year 2018 (FY18) and FY19. It was anticipated that this acquisition would be completed in FY18, but due to a death in the Schulte family and some related issues with the property transfer, the purchase was delayed. Because of the delays, the funds allocated in FY19 are not adequate to cover the acquisition and an AAR for \$30,100 is necessary to have sufficient funds in the FY19 Budget.

ENVIRONMENTAL FINDINGS

A Finding of Conformity to MEIR No. 10130 (a Master Environmental Impact Report prepared for the 2025 Fresno General Plan) was prepared pursuant to CEQA Guidelines section 15177 and California Public Resources Code section 21157.1. It was approved by the Fresno City Council on June 26, 2007 as Environmental Assessment Number R-04-44/T-5341/UGM. EA No. R-04-44/T-5341/UGM assessed rezoning approximately 63 net acres of property on the south side of East Clinton Avenue between North Temperance and North Locan Avenues from the AE-20 zone district to the R-1/UGM zone district, in order to come into conformity with the land use designation existing at the time. EA No. R-04-44/T-5341/UGM also assessed Vesting Tentative Tract Map No. 5341/UGM which proposed to subdivide the property into a 264 lot single family residential subdivision and which was later revised to a subdivision of 161 lots. VTTM 5341 contained several conditions of approval including the dedication of right of way necessary for infrastructure and street improvements. This approval is to implement a portion of that project.

An analysis has been performed pursuant CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for the acquisition. 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 overall project as a result of this approval which will require major revisions of the previous Finding of Conformity due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, this approval seeks property acquisition that was already contemplated by the project. The final map has already been recorded and this acquisition is consistent with the final map with no changes.
2. No substantial changes have occurred with respect to the circumstances under which the overall project was undertaken which will require major revisions of the previous Finding of Conformity 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 Finding of Conformity showing that:
 - a. The overall project will have one or more significant effects not discussed in the previous Finding of Conformity;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous Finding of Conformity;
 - 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 overall 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 the acquisition of this property does not include a bid or award of construction or services contract.

FISCAL IMPACT

There will be no impact to the General Fund. Century Communities has deposited \$250,000 to cover any and all costs, including legal fees, contingency and City staff costs.

Attachments:

Annual Appropriation Resolution No. 2018-157

Vicinity Map

Location Map

Purchase and Sale Agreement