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**Title:** (CONTINUE TO FEBRUARY 15, 2018 AT 10:00 A.M.)  
 Actions pertaining to the Veterans Boulevard Interchange and Extension Project (Council District 2)  
 1. CONTINUED HEARING to consider a resolution of public use and necessity for acquisition of a permanent street easement and a temporary construction easement for public street purposes over, under, through and across real property located at 6730 W. Shaw Avenue and Veterans Boulevard in the City of Fresno, (APN: 505-060-19), owned by Robert W. and Juli A. Mitchell; for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue in the City of Fresno.  
 2. \*\*\* RESOLUTION-That the public interest and necessity require and authorize eminent domain for acquisition of a permanent street easement and a temporary construction easement for public purposes over, under, through and across real property for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue. (Requires 5 affirmative votes) (Subject to Mayor' veto).

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 17-1602 Resolution of Public Use and Necessity.pdf, 2. 17-1602 Vicinity Map.pdf, 3. 17-1602 Location Map.pdf, 4. Supplement 121417 rec'd during meeting .pdf

Date	Ver.	Action By	Action	Result
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**REPORT TO THE CITY COUNCIL**

**January 25, 2018**

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Public Works Department

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## **SUBJECT**

(CONTINUE TO FEBRUARY 15, 2018 AT 10:00 A.M.)

Actions pertaining to the Veterans Boulevard Interchange and Extension Project (Council District 2)

1. CONTINUED HEARING to consider a resolution of public use and necessity for acquisition of a permanent street easement and a temporary construction easement for public street purposes over, under, through and across real property located at 6730 W. Shaw Avenue and Veterans Boulevard in the City of Fresno, (APN: 505-060-19), owned by Robert W. and Juli A. Mitchell; for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue in the City of Fresno.
2. \*\*\* RESOLUTION-That the public interest and necessity require and authorize eminent domain for acquisition of a permanent street easement and a temporary construction easement for public purposes over, under, through and across real property for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue. (Requires 5 affirmative votes) (Subject to Mayor' veto).

## **RECOMMENDATION**

Staff recommends the City Council conduct a public hearing to consider the adoption of a resolution of public use and necessity for the acquisition of a permanent street easement and temporary construction easement for public street purposes from Assessor's Parcel Number 505-060-19, owned by Robert W. and Juli A. Mitchell and adopt the attached resolution of public use and necessity, which states the public interest and necessity require a permanent street easement and temporary construction easement for purposes over, under, through and across real property for the construction of Veterans Boulevard, a six lane super arterial connecting Herndon Avenue to Shaw Avenue, and related purposes, and authorizes an eminent domain action to acquire the street easement pursuant to the California Code of Civil Procedure.

## **EXECUTIVE SUMMARY**

The City of Fresno in cooperation with the California Department of Transportation (Caltrans) plans to build a new interchange on State Route 99 plus supporting roadway improvements in northwest Fresno. The improvements will add a new interchange to State Route 99 between Shaw Avenue and Herndon Avenue as well as a new city super arterial roadway that will enhance the local circulation network. This acquisition is one of thirty eight partial and full acquisitions that are required for the Veterans Boulevard Interchange and Extension Project. The other thirty seven acquisitions are complete.

The resolution of public use and necessity authorizes the City Attorney to initiate an eminent domain action and obtain an order of possession of the property. This action requires five affirmative votes, and is subject to veto by the Mayor.

## **BACKGROUND**

Veterans Boulevard, originally referred to as the Herndon-Grantland Diagonal, was part of the 1984 General Plan and is a planned six-lane super arterial in the 2035 General Plan. The interchange concept was refined in 1986 with a feasibility study conducted to analyze potential interchange/grade separation configurations. In 1991, a Project Initiation Document was completed, and in 1996, the Official Plan Line for Veterans Boulevard was adopted by the Council. In recent years, staff has completed the Project Study Report (PSR), Project Report and

Environmental Impact Report (EIR). Veterans Boulevard and the proposed interchange with State Route 99 are identified as part of the Circulation Element in both the City and County General Plans. The new interchange will be a partial cloverleaf connecting State Route 99 and Veterans Boulevard. The new overcrossing will have six travel lanes, a Class I bicycle lane/pedestrian trail on the west side of the structure and Class II bicycle lanes on both sides of the structure. The project will include two bridge structures, one to cross over State Route 99 and one to cross over the existing Union Pacific Railroad tracks, Golden State Boulevard, and the future high speed rail tracks.

The Public Works Department Real Estate staff has acquired 37 of the 38 parcels required for the project. The acquisition described below is necessary for the permanent street easements and construction of Veterans Boulevard.

The value of the acquisition was established by independent appraiser Kelly Stevens, under the direction of Larry Hopper, MAI of Real Property Analysts at \$50,362.00 for 7,037 square feet of permanent easements and 533 square feet of temporary construction easements, in addition to landscaping, fencing, lawn, trees, shrubs, boulders and sprinklers.

The City's first written offer was presented almost two years ago on January 16, 2016. To date numerous contacts with the property owners have occurred. The owners have requested \$6.77 per square foot, which is 225 percent over the City's appraisal of \$3.00. To date, the property owners have yet to exercise their option for a second appraisal and no other property owner in this area, with similar zoning, has been paid more than \$3.00 per square foot.

Pursuant to the California Code of Civil Procedure, notices were sent to the property owners. The property owners were invited to appear at the hearing, and were asked to contact staff if they wished to speak at the hearing.

It is recommended the Council adopt the resolution with consideration of the following findings:

**1. The public interest and necessity require the proposed project.**

It is necessary to construct a new interchange on State Route 99 plus supporting roadway improvements in northwest Fresno. The improvements will add a new interchange to State Route 99 between Herndon Avenue and Shaw Avenue, as well as new city super arterial roadway that will enhance the local circulation network.

**2. The proposed project is planned in a manner that will be most compatible with the greatest public good and the least private injury.**

The project as planned will improve accessibility to State Route 99 and circulation to roads adjacent to the proposed interchange in northwest Fresno, provide congestion relief and improved traffic flow in northwest Fresno, and enhance the local circulation network that would accommodate local development and provide consistency with existing and planned local and regional development. The project cannot be constructed without acquiring this permanent easement and rights of way being sought.

**3. The property is necessary for the proposed project.**

It is necessary to acquire the subject property in order to construct the new Veterans Boulevard roadway improvements and related drainage facilities as defined in the approved Project Study Report and EIR. Acquisitions have also been made from surrounding property owners to accommodate the project and this is the last remaining piece for the defined project.

**4. An offer to purchase the required street easement has been made pursuant to Section 7267.2 of the Government Code.**

A written offer of the appraised fair market value has been delivered to the owners of the affected property pursuant to the requirements of the California Government Code.

## **ENVIRONMENTAL FINDINGS**

An initial study and EIR (SCH No. 2010021054) was prepared for this project and adopted on June 7, 2013. This approval is to implement a portion the project. An analysis has been performed pursuant to CEQA Guidelines Section 15162 to determine whether subsequent environmental review is required for this project. 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 to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects because the project is being implemented as planned.
2. No substantial changes occurred with respect to the circumstances under which the project was undertaken which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The project will not have any significant effects not discussed in the EIR, and there are no mitigation measures or alternatives previously found not to be feasible that are now feasible.
3. There is no new information, which was not known and could not have been known at the time of the EIR that was not discussed in the EIR.

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

## **FISCAL IMPACT**

The \$130 million Veterans Boulevard Project which is located in Council District 2 will have no impact upon the General Fund. The Veterans Boulevard project is being funded through California High Speed Rail Authority, various types of Measure "C" funding, Regional Transportation Mitigation Impact Fees (RTMF), and City of Fresno Developer Impact Fee. The City has identified two viable funding options to fully fund construction. The first option is a combination of Infrastructure for Rebuilding America grant (INFRA) with additional Regional Transportation Mitigation Impact Fees (RTMF) funding through Fresno Council of Governments. The second option, as approved by the Fresno Council of Governments Board in September 2017, is State Transportation Improvement Program (STIP) funding combined with State Local Partnership Program. Both funding options are

being pursued concurrently. The final result is anticipated by early spring of 2018, which will determine whether the first or second option will be utilized to fully fund the construction.

**Attachments:**

Resolution of Public Use and Necessity

Vicinity Map

Location Map