



Legislation Details (With Text)

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**Title:** \*\*\*RESOLUTION - Approving the reallocation of \$482,900 from a previously approved capital project within the Right-of-Way acquisition fund for the engineering and Right-of-Way acquisition for the Belmont Avenue widening between Clovis and Fowler Avenues (District 5) (Requires 5 affirmative votes)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 16 1st Non-AAR\_Belmont Widening\_SRM.pdf

Date	Ver.	Action By	Action	Result
7/30/2015	1	City Council	adopted	

**REPORT TO THE CITY COUNCIL**

**July 30, 2015**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** ROBERT N. ANDERSEN, PE, Assistant Director  
Public Works Department, Capital Management Division

**SUBJECT**

\*\*\*RESOLUTION - Approving the reallocation of \$482,900 from a previously approved capital project within the Right-of-Way acquisition fund for the engineering and Right-of-Way acquisition for the Belmont Avenue widening between Clovis and Fowler Avenues (District 5) (Requires 5 affirmative votes)

**RECOMMENDATIONS**

Staff recommends that the City Council approve the reallocation of \$482,900 from a previously approved capital project within the Right-of-Way acquisition fund for the design and right-of-way acquisition for the Belmont Avenue widening between Clovis and Fowler Avenues.

**EXECUTIVE SUMMARY**

Centex Homes, a development company who later became part of the PulteGroup, entered into a subdivision agreement for Tract No. 5232 located near Fowler Avenue and Kings Canyon Road. Rezone No. 04-14 included requirements for the developer to construct the westbound lanes to ultimate width on Belmont Avenue between Clovis and Fowler Avenues. As a result of a recent settlement agreement with the developer, the City will be utilizing the dollars received for the engineering design, right-of-way acquisition and ultimately the construction of the widening project. The recommended action will provide budget appropriations for the design and right-of-way acquisition phases in the current fiscal year.

## **BACKGROUND**

On May 17, 2005, the City Council approved Rezone R-04-14 with Fancher Creek Properties on properties general located between Belmont and Fowler Avenues and Belmont and Kings Canyon Road. This rezone had various Public Works Improvements to construct including the westbound lanes of Belmont Avenue between Clovis and Fowler Avenues. The future Tract Map No. 5232 was part of this Rezone.

On May 15, 2007, Centex Homes, who later became part of the PulteGroup, entered into a Subdivision Agreement with the City of Fresno for Tract Map No. 5232. With this tract, the developer furnished the City with a Performance Bond No. 929423691 in the amount of \$13,773,000.00 for the improvements as outlined in the Rezone documents and Subdivision Agreements. The improvements to Fowler Avenue, Kings Canyon and internal streets have all been completed by the developer, leaving the widening of Belmont Avenue and the installation of a traffic signal at Belmont and Sunnyside as the remaining work.

The Council authorized the Public Works Director to enter into a settlement agreement in the amount of \$1,958,000, which together with the initial right-of-way deposit of \$542,000 yields a total of \$2,500,000 for the project.

Staff now requests that the City Council approve the reallocation of \$482,900 from the previously approved Tract 5232 Right-of-Way Acquisition project for the design and right-of-way acquisition for the Belmont Avenue widening between Clovis and Fowler Avenues.

The construction funding will be proposed in the FY 2017 budget, since the design and right-of-way acquisition will require more than one year to be completed. Given that the total project cost was estimated at 3.1 million, the project will likely require the use of development impact fees in FY 2017 to deliver the construction phase.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378 this item does not qualify as a "project" as defined by CEQA

## **LOCAL PREFERENCE**

Not applicable because this is not a competitive bid.

## **FISCAL IMPACT**

Approval of the reallocation will have no impact on the General Fund. All costs are being allocated from the \$2.5 million in the Belmont Avenue improvements fund, which have been received from the developer for the project.

Attachment:  
Resolution No.2015-\_\_\_\_