



Legislation Details (With Text)

**File #:** ID 22-325      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Passed

**File created:** 2/14/2022      **In control:** City Council

**On agenda:** 3/10/2022      **Final action:** 3/10/2022

**Title:** Approve a Purchase and Sale Agreement for a 3,032 square foot Permanent Easement and a 10,815 square foot Irrevocable Offer to Dedicate, from a portion of 3945 N. Polk Avenue (APN: 511-011-08), owned by Robert A. Knight and Pamela M. Knight to facilitate the Installation of the North Polk Avenue and West Ashlan Avenue Traffic Signal and the widening of North Polk Avenue and West Ashlan Avenue for \$335,000 in compensation (Council District 1).

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 22-325 Agreement for Purchase and Sale, 2. 22-325 Deed of Easement, 3. 22-325 Irrevocable Offer to Dedicate Real Property, 4. 22-325 Location Map, 5. 22-325 Vicinity Map

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 3/10/2022 | 1    | City Council | ADOPTED | Pass   |

**REPORT TO THE CITY COUNCIL**

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

**BY:** RANDALL W. MORRISON, PE, Assistant Director  
Department of Public Works, Engineering Division

R. SCOTT BEYELIA, Supervising Real Estate Agent  
Department of Public Works, Real Estate and Lease Services

**SUBJECT**

Approve a Purchase and Sale Agreement for a 3,032 square foot Permanent Easement and a 10,815 square foot Irrevocable Offer to Dedicate, from a portion of 3945 N. Polk Avenue (APN: 511-011-08), owned by Robert A. Knight and Pamela M. Knight to facilitate the Installation of the North Polk Avenue and West Ashlan Avenue Traffic Signal and the widening of North Polk Avenue and West Ashlan Avenue for \$335,000 in compensation (Council District 1).

**RECOMMENDATION**

Staff recommends the City Council approve the agreement and escrow instruction for the acquisition of a portion of 3945 N. Polk Avenue (APN: 511-011-08) to facilitate: 1) a 3,032 square foot Permanent Easement for the installation of the Polk Avenue and Ashlan Avenue Traffic Signal; and 2) a 10,815 square foot Irrevocable Offer to Dedicate Real Property for the widening of Polk Avenue and Ashlan Avenue owned by Robert A. Knight and Pamela M. Knight in the amount of \$335,000 and authorize

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

## **EXECUTIVE SUMMARY**

The conditions of approval of Vesting Tentative Map No. 6215, a single-family residential subdivision, imposed the requirement to install a traffic signal at the intersection of Polk Avenue and Ashlan Avenue. The Subdivider has executed the Subdivision Agreement with an addendum that provides for the City to negotiate and/or exercise its power of eminent domain, to acquire the necessary right of way easements. The property has been appraised and the Owners have agreed to accept the appraised amount of \$335,000 as full compensation for the Permanent Street Easement and the Irrevocable Offer to Dedicate Real Property. The proposed acquisition is funded by developer funds and New Growth Area Street Impact Fees.

## **BACKGROUND**

The Fresno City Planning Commission on June 19, 2019, approved Vesting Tentative Map No. 6215 (Tentative Map) for a 98-lot single-family residential subdivision on 17.35 acres. The Tentative Map was approved consistent with the Fresno General Plan and the West Area Community Plan to comply with the provisions of the Subdivision Map Act. The Final Map of Tract No. 6215 and the Subdivision Agreement of the Final Map of Tract No. 6215 including Addendum to Subdivision Agreement for Right of Way Acquisition was approved and recorded on June 5, 2020. The right of way at 3945 N. Polk Avenue (APN: 511-011-08), owned by Robert A. Knight and Pamela M. Knight, is one of four parcels required pursuant to the conditions of approval of Vesting Tentative Map No. 6215. The right-of-way is required to accommodate additional traffic along Polk and Ashlan Avenues.

An appraisal was conducted by Joshua J. Palmer with James G. Palmer Appraisals, Inc., with a total appraised value of \$335,000. Robert A. Knight and Pamela M. Knight are the owners of the property and have agreed to accept the appraised value as full compensation.

The City Attorney's Office has approved the Agreement for Purchase and Sale, Escrow Instructions and the Deed of Easement as to form.

## **ENVIRONMENTAL FINDINGS**

A Mitigated Negative Declaration (Environmental Assessment No. T-6258/P19-04243) was prepared for vesting Tentative Tract Map No. 6258/UGM and adopted on January 8, 2020, wherein a 318 lot single family residential subdivision was to be developed at an overall density of 5.6 units per acre. This approval is to implement a portion of that project, specifically, VTTM 6215 required that a traffic signal be installed at the corner of North Polk Avenue and West Ashlan Avenue as a condition of approval. Approval of this acquisition is a necessary component of implementing the conditions of approval.

An analysis has been performed pursuant CEQA Guidelines § 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 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. There have been no changes.
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 due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, no substantial changes to the circumstances have occurred.
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 project.

## **LOCAL PREFERENCE**

Local preference does not apply because approval of the Purchase and Sale Agreement does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

The acquisition is located in Council District 1. Aggregate funds in the amount of \$335,000 for acquisition costs will be paid through developer funds and New Growth Area Street Impact Fees. General fund monies will not be used. All funding necessary for the subject acquisition was included in the current fiscal year adopted City budget.

### **Attachments:**

Agreement for Purchase and Sale  
Deed of Easement  
Irrevocable Offer to Dedicate Real Property  
Location Map  
Vicinity Map