



Legislation Details (With Text)

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Title: Actions pertaining to acquisition of public rights-of-way for Tentative Map No. 5538 (Council District 1)
1. *** RESOLUTION - 4th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$47,500 for the public street and public utility easement right-of-way acquisition for Tract Map 5538 on the northwest corner of Dakota and Polk Avenues (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. Approve the acquisition of 3,388 square feet of permanent easement from property owned by Maria D. Meraz, in the amount of \$47,500 (3836 North Polk Avenue, APN 511-012-01) to widen North Polk Avenue

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 18-0924 Vicinity Map.pdf, 2. 18-0924 Location Map.pdf, 3. 18-0924 Agreement for Purchase and Sale of Street Easement and Escrow Instructions.pdf, 4. 18-0924 Annual Appropriation Resolution.pdf

Date	Ver.	Action By	Action	Result
8/16/2018	1	City Council	adopted	

REPORT TO THE CITY COUNCIL

August 16, 2018

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SUBJECT

Actions pertaining to acquisition of public rights-of-way for Tentative Map No. 5538 (Council District 1)
1. *** RESOLUTION - 4th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$47,500 for the public street and public utility easement right-of-way

acquisition for Tract Map 5538 on the northwest corner of Dakota and Polk Avenues (Requires 5 affirmative votes) (Subject to Mayor's veto)

2. Approve the acquisition of 3,388 square feet of permanent easement from property owned by Maria D. Meraz, in the amount of \$47,500 (3836 North Polk Avenue, APN 511-012-01) to widen North Polk Avenue

RECOMMENDATION

Staff recommends that the City Council adopt the 4th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$47,500 for the public street and public utility easement right-of-way acquisition for Tract Map 5538 on the northwest corner of Dakota and Polk Avenues; and approve the acquisition of an easement for public street purposes totaling 3,388 square feet at 3836 North Polk Avenue (APN: 511-012-01) from Maria D. Meraz in the amount of \$47,500 and authorize the Public Works Director or his designee to execute Agreement for Purchase and Sale of a Street Easement and Escrow Instructions.

EXECUTIVE SUMMARY

The conditions of approval of Vesting Tentative Map No. 5538 imposed the requirement to improve fifteen parcels along North Polk Avenue. The Subdivider, Western Pacific Housing, Inc., a Delaware Corporation, has been unable to acquire and/or facilitate the dedication of such easements to the City of Fresno. 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 rights-of-way easements and the Subdivider posted an initial deposit in the amount of \$295,000 for the estimated acquisitions and legal costs. The right-of-way is necessary for the construction of the improvements which are required pursuant to said Tentative Map.

An appraisal was conducted by James G. Palmer MAI with James G. Palmer Appraisals, Inc. at 3836 North Polk Avenue (APN: 511-012-01) owned by Maria D. Meraz. The appraised value of the required right-of-way acquisition is \$47,500 which includes landscaping and cost to cure items. Maria D. Meraz has agreed to the appraised value.

BACKGROUND

The Fresno City Planning Commission on May 17, 2006, adopted Resolution No. 12484 approving Vesting Tentative Map No. 5538 (Tentative Map) for a 93-lot single-family residential subdivision on 19.09 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. 5538 and the Subdivision Agreement of the Final Map of Tract No. 5538 including Addendum to Subdivision Agreement for Right of Way Acquisition was approved and recorded on May 7, 2018. The right-of-way at 3836 North Polk Avenue (APN: 511-012-01) owned by Maria D. Meraz, is one of fifteen parcels required pursuant to the conditions of approval of Vesting Tentative Map No. 5538. The right-of-way is required in order to widen North Polk Avenue to accommodate the additional traffic generated by the subdivision and the extension of sewer and water lines to provide water and sewer service to the subdivision. The purchase of the right-of-way in the amount of \$47,500 will be charged against the deposit of \$295,000 posted by the Subdivider. The City Attorney's Office has approved the Agreement for Purchase and Sale of a Street Easement and Escrow Instructions and the Deed of Easement to form.

ENVIRONMENTAL FINDINGS

A Finding of Conformity to the 2025 Fresno General Plan MEIR (Environmental Assessment No. R-05-71/T-5538/C-05-201) was prepared for vesting Tentative Tract Map No. 5538/UGM and adopted on May 17, 2006, wherein a 93 lot single family residential subdivision was to be developed at an overall density of 5.23 units per acre. 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 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 Finding of Conformity 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 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, no substantial changes have occurred.
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 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 project.

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

LOCAL PREFERENCE

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

FISCAL IMPACT

The agreement is located in Council District 1. There will be no impact to the City's General Fund. Approval by the Council will result in timely deliverance of the review and processing of the agreement as is reasonably expected by the Subdivider. Prudent financial management is demonstrated by the expeditious completion of this agreement inasmuch as the Subdivider has paid the City a fee for the processing of this agreement and that fee is, in turn, funding the respective

operations of the Public Works Department.

Attachments:

Vicinity Map

Location Map

Agreement for Purchase and Sale of Street Easement and Escrow Instructions

Annual Appropriation Resolution