



Legislation Details (With Text)

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**File created:** 9/10/2019    **In control:** City Council

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**Title:** Actions pertaining to the acquisition of a 24,709 square foot permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr., Trustee et al. for \$123,800 in monetary consideration (Council District 3)

1. Adopt findings of Categorical Exemption pursuant to Sections 15301, 15302 and 15304 of the California Environmental Quality Act Guidelines
2. Approve the Agreement for Purchase and Sale of a Street Easement and Temporary Construction Easement and Escrow Instructions, for the acquisition of 24,709 square feet of permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr. Trustee, et al. for \$123,800 in monetary consideration, and authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 19-11293 Vicinity Map, 2. 19-11293 Location Map, 3. 19-11293 Agreement for Purchase and Sale, 4. 19-11293 Deed of Easement

Date	Ver.	Action By	Action	Result
10/10/2019	1	City Council	approved	

**REPORT TO THE CITY COUNCIL**

**October 10, 2019**

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

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

**BY:** R. SCOTT BEYELIA, Supervising Real Estate Agent  
Public Works Department, Real Estate and Lease Services

**SUBJECT**

Actions pertaining to the acquisition of a 24,709 square foot permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-

021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr., Trustee et al. for \$123,800 in monetary consideration (Council District 3)

1. Adopt findings of Categorical Exemption pursuant to Sections 15301, 15302 and 15304 of the California Environmental Quality Act Guidelines
2. Approve the Agreement for Purchase and Sale of a Street Easement and Temporary Construction Easement and Escrow Instructions, for the acquisition of 24,709 square feet of permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr. Trustee, et al. for \$123,800 in monetary consideration, and authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition

## RECOMMENDATIONS

Staff recommends that City Council adopt a finding of Categorical Exemption pursuant to Sections 15301, 15302 and 15304 of the California Environmental Quality Act Guidelines and approve the Agreement for Purchase and Sale of a Street Easement and Temporary Construction Easement and Escrow Instructions, for the acquisition of 24,709 square feet of permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr. Trustee, et al. for \$123,800 in monetary consideration, and authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition.

## EXECUTIVE SUMMARY

The subject acquisition memorialized in the Agreement for Purchase and Sale of a Street Easement and Temporary Construction Easement and Escrow Instructions (Agreement), will provide 24,709 square feet of additional permanent street easement and right of way, as well as a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), owned by Philip F. Heck, Jr., Trustee et al. for \$123,800 in monetary consideration. The additional right of way will facilitate the East Central Avenue Improvement Project. In addition to monetary consideration of \$123,800, the Agreement includes a provision obligating the City to relocate, at the City's expense, the owner's existing irrigation pipeline to avoid project conflict and facilitate the continued delivery of the owner's Fresno Irrigation District (FID) water rights.

The owner accepted the appraised value of \$123,800 for the subject acquisition area, which excluded damages for the pipeline relocation, performed by Tiffany K.V. Mach, MAI of Real Property Analysts, Inc. The relocation of the owner's irrigation pipeline, which includes work within the FID canal adjacent to the project area must be completed before the East Central Avenue Improvement Project can proceed. Due to project scheduling constraints, it is necessary for staff to coordinate the owner's pipeline relocation in conjunction with the East Central Avenue Improvement Project.

In accordance with Section 13-229(f)(6) of the Fresno Municipal code, a "NOTICE OF IMPROVEMENT COSTS DUE PRIOR TO DEVELOPMENT OF PROPERTY" will be filed with the Fresno County Recorder's office to assure the City recoups the cost of improvements and right of way acquisition expenses, including the owner's pipeline relocation, before any future development of the parcel is permitted.

## BACKGROUND

Philip F. Heck, Jr., Trustee et al., owners' of 3740 South East Avenue, Fresno, Assessor's Parcel Number 330-021-31 have agreed to accept \$123,800 and an agreed upon provision that the City will relocate the owners' existing irrigation pipeline, at the City's expense, to facilitate the continued delivery of the owners' FID water rights, in consideration for the acquisition of a 24,709 square foot permanent street easement and 50 square foot temporary construction easement to facilitate the East Central Avenue Improvement Project. The \$123,800 appraised value of the subject acquisition area, excluding damages for the pipeline relocation, was performed by Tiffany K.V. Mach, MAI of Real Property Analysts, Inc.

The City Attorney has reviewed and approved the Agreement for Purchase and Sale of a Street Easement and Temporary Construction Easement and Escrow Instructions as to form. The project acquisition costs are locally funded by an inter-fund loan transfer from Developer Cash-in-Lieu Improvement funds and local contributions from Fresno Metropolitan Flood Control District for shared facilities. These costs are included in the current fiscal year adopted City budget.

The East Central Avenue Improvement Project plan includes demolition and reconstruction of East Central Avenue, from the northeast corner of the South East Avenue intersection, to the southwest corner of the South Orange Avenue intersection. The existing street which is an older County maintained roadway will be reconstructed to meet current City street standards, including sidewalks, curbs, and gutters, as well as intersection improvements at South East Avenue.

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and determined that it falls within the Class 1 Categorical Exemption set forth in the California Environmental Quality Act (CEQA) Guidelines, section 15301, as this contract is for the acquisition of property and is for the minor alteration of existing public facilities located at the intersection of South East Avenue and East Central Avenue, and within the Class 2 Categorical Exemption set forth in CEQA Guidelines, Section 15302, as this acquisition is for replacing existing structures and facilities on the same site with substantially the same purpose, and within Class 4 Categorical Exemption set forth in CEQA Guidelines, section 15304, as this acquisition is for minor alterations to land. Furthermore, none of the exceptions to Categorical Exemptions set forth in the CEQA guidelines, section 15300.2 apply to 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**

This project is located in Council District 3. This project has no impact to the General Fund. The project is locally funded by an inter-fund loan transfer from Developer Cash-in-Lieu Improvement funds and local contributions from Fresno Metropolitan Flood Control District for shared facilities. All funding necessary for the subject acquisition was included in the current fiscal year adopted City budget.

Attachments:

Vicinity Map

Location Map

Agreement for Purchase and Sale

Deed of Easement