



Legislation Details (With Text)

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**Title:** Approve the acquisition of 5,115 square feet of permanent easement from property owned by Jenco Farms, L.P., (APN 504-091-32 and 504-091-33) in the amount of \$51,200 to widen West Herndon Avenue (Council District 2).

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 18-1323 Vicinity Map.pdf, 2. 18-1323 Location Map.pdf, 3. 18-1323 Agreement for PS of Street Easement and Escrow Instructions.pdf

Date	Ver.	Action By	Action	Result
12/6/2018	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**December 6, 2018**

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

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

FRANCISCO V. MAGOS II, PE, MBA, Public Works Manager  
Public Works Department, Engineering Services

**SUBJECT**

Approve the acquisition of 5,115 square feet of permanent easement from property owned by Jenco Farms, L.P., (APN 504-091-32 and 504-091-33) in the amount of \$51,200 to widen West Herndon Avenue (Council District 2).

**RECOMMENDATION**

Staff recommends that the City Council approve the acquisition of 5,115 square feet of permanent easement from property owned by Jenco Farms, L.P., (APN 504-091-32 and 504-091-33) in the amount of \$51,200, to use as right-of-way for the widening of West Herndon Avenue between North Riverside Drive and North Hayes Avenue and authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

## EXECUTIVE SUMMARY

The developers of El Paseo Shopping Center, John Allen Company, LLC, have requested City assistance to acquire necessary right-of-way from five parcels for public street easements and public utility easements. This right-of-way is necessary for the construction of the improvements which are required for the project, as set forth in the Development Agreement which the Council previously approved for the El Paseo project. John Allen Company deposited \$220,000 to fund City staff costs as well as the value of the easements to be acquired.

## BACKGROUND

John Allen Company has requested City assistance to acquire right-of-way from five properties along Herndon Avenue between North Riverside Drive and North Hayes Avenue. The developer is proceeding with the next phase of the El Paseo project, generally located to the south of the previously approved Phase 1 development between West Herndon Avenue and West Palo Alto Avenue. The Environmental Impact Report and Development Agreement for this project identified the need to construct additional eastbound and westbound lanes on West Herndon Avenue from North Riverside Drive to North Hayes Avenue. The developers have requested that the City acquire the right-of-way needed for the additional lanes. The right-of-way that is required is from undeveloped parcels and no structures or improvements will be impacted. John Allen Company has deposited \$220,000 to fund the acquisition of these properties. Once the properties have been acquired, the developer will hire a qualified contractor to complete the improvements in accordance with City-approved street improvement plans.

## ENVIRONMENTAL FINDINGS

On December 16, 2010, the Council adopted Resolution No. 2010-306, certifying EIR NO. 10141 (SCH No. 2008011003) for the El Paseo Project (the "El Paseo EIR"), which included development of the Marketplace Project. The Council adopted Addendums to the EIR on May 24, 2012, and June 14, 2018. The El Paseo EIR analyzed the potential effects associated with the development of the Marketplace Project parcels generally located on the southwest corner of West Herndon Avenue and North Riverside Drive, proposed to be developed with approximately 906,877 square feet of commercial retail space as well as a Development Agreement between the City of Fresno and John Allen Company. This approval is necessary to implement a portion of the Marketplace Project.

An analysis has been performed pursuant CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for this approval. 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 El Paseo EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, there are no changes to the Marketplace Project. Instead, this approval implements a required condition of a project component.
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 El Paseo EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, there have been no changes to the

circumstances under which the El Paseo EIR was certified. The area to which the Marketplace Project pertains is no different in size or location and there have been no new substantial environmental effects or an increase in the severity of effects identified for the Marketplace Project. Namely, there is no change to the capacity or availability to public services for the Marketplace Project.

3. There is no new information, which was not known and could not have been known at the time the El Paseo EIR was certified showing that:

- a. The project will have one or more significant effects not discussed in the El Paseo EIR;
- b. Significant effects previously examined will be substantially more severe than shown in the El Paseo EIR;
- 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 Marketplace Project.

Therefore, no further environmental assessment is required for this approval.

## **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**

There will be no impact to the General Fund. The developer has deposited \$220,000 to cover any and all costs, including legal fees, contingency and City staff costs.

### **Attachments:**

Vicinity Map

Location Map

Agreement for Purchase and Sale of Street Easement and Escrow Instructions