



Legislation Details (With Text)

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Title: ***RESOLUTION - 35th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$360,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Tract Map 5531 on Armstrong Avenue between Church Avenue and Butler Avenue (Council District 5) (Requires five affirmative votes)
Sponsors: Public Works Department
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Attachments: 1. 15 35th RoW Tract 5531 SRM.pdf

Date	Ver.	Action By	Action	Result
2/26/2015	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

February 26, 2015

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

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Public Works Department, Traffic and Engineering Services Division

SUBJECT

***RESOLUTION - 35th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$360,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Tract Map 5531 on Armstrong Avenue between Church Avenue and Butler Avenue (Council District 5) (Requires five affirmative votes)

RECOMMENDATION

Staff recommends that the City Council adopt the 35th Amendment to the AAR No. 2014-95 to appropriate \$360,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements from six parcels on Armstrong Avenue between Church Street and Butler Street for Tract Map 5531.

EXECUTIVE SUMMARY

The Pulte Group has requested City assistance to acquire necessary right-of-way from six adjacent parcels for public street and public utility easements. This right-of-way is necessary for the construction of the improvements which are required for the project. As part of the fully executed subdivision agreement for Tract Map 5531, the Pulte Group deposited \$360,000 to fund City staff costs as well as the value of the properties to be acquired, in order to secure for the acquisition of the necessary right-of-way. Staff recommends adoption of the resolution to allow staff to proceed with the right-of-way acquisition so as to enable the infrastructure to be constructed prior to construction of the homes in the subdivision.

BACKGROUND

The Pulte Group has requested City assistance to acquire right-of-way from six properties along Armstrong Avenue near California Avenue. They have received City approval to construct a residential housing tract with 150 homes on the east side of Armstrong on the north and south side of California. The Tentative Tract Map Conditions of Approval require that Pulte widen Armstrong Avenue and install new railroad safety gates and concrete panels where Armstrong crosses the San Joaquin Valley railroad tracks. Armstrong will also have a median island in the area near the railroad crossing. The median island is required to provide a location to install the railroad gates and to make it more difficult for drivers to maneuver around the gates when a train is approaching. The work that Pulte is performing will significantly improve the safety at the railroad crossing.

Pulte has designed the street improvements and determined the amount of right-of-way needed. They also prepared legal descriptions and obtained appraisals to establish the value of the new right-of-way. Five of the parcels on the west side of Armstrong are owned by the same family. Both of the landowners have signed "right of entry" documents and allowed Pulte's engineers to conduct surveys on their property. However, they have not executed the easement documents to allow the street to be widened. Pulte has requested the City's assistance to complete the right-of-way acquisition.

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. Pulte intends to use local contractors to complete the street improvements.

FISCAL IMPACT

There will be no impact to the General Fund as a result of the recommended action. The Pulte Group has deposited \$360,000 to cover any and all costs, including legal fees, contingency overruns, and City staff costs.

Attachment: Resolution No. 2014-XX