



## Legislation Details (With Text)

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**Title:** Actions pertaining to right-of-way acquisition for Herndon Avenue auxiliary lane between Fresno Street and Freeway 41 (Council District 6)

1. Adoption of environmental finding of Conformity for Environmental Assessment No. EA-13-001 for Herndon Avenue auxiliary lane between Fresno Street and Freeway 41
2. Acquisition of a 2,651 square-foot easement and right-of-way for public street purposes and the acquisition of a 10,461 square-foot pedestrian, bike path, and landscape easement from property owned by Harvender Singh on a portion of APN 303-180-55 in the negotiated amount of \$195,000

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Harvender Singh Vicinity Map.pdf, 2. Harvender Singh Exhibit A & B for Staff Report.pdf, 3. Supplement 15-932 Updated Staff Report 11-2-2015.pdf

Date	Ver.	Action By	Action	Result
11/5/2015	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**November 5, 2015**

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

**THROUGH:** ANDREW J. BENELLI, PE, City Engineer/Assistant Director  
Public Works Department, Traffic and Engineering Services Division

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Public Works Department, Real Estate Services Section

**BY:** PETE CALDWELL, Senior Real Estate Agent  
Public Works Department, Real Estate Services Section

## SUBJECTS

Actions pertaining to right-of-way acquisition for Herndon Avenue auxiliary lane between Fresno Street and Freeway 41 (Council District 6)

1. Adoption of environmental finding of Conformity for Environmental Assessment No. EA-13-001 for Herndon Avenue auxiliary lane between Fresno Street and Freeway 41

2. Acquisition of a 2,651 square-foot easement and right-of-way for public street purposes and the acquisition of a 10,461 square-foot pedestrian, bike path, and landscape easement from property owned by Harvender Singh on a portion of APN 303-180-55 in the negotiated amount of \$195,000

## RECOMMENDATIONS

Staff recommends that the City Council:

1. Adopt the environmental finding of Conformity for Environmental Assessment No. EA-13-001 pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act).
2. Approve acquisition of a 2,651 square-foot easement and right-of-way for public street purposes and a 10,461 square-foot pedestrian, bike path, and landscape easement from property owned by Harvender Singh on a portion of APN 303-180-55.

## EXECUTIVE SUMMARY

Right-of-way negotiations have been successfully completed for the Herndon Avenue Auxiliary Lane Project between State Route 41 and Fresno Street. This grant-funded capital improvement project will add a westbound auxiliary lane to relieve congestion and close a gap in the Herndon Avenue multi-purpose trail. Right-of-way is needed on the north side of the Herndon from two parcels. A 2,651 square-foot easement and right-of-way is needed from land owned by Harvender Singh. The property owner has agreed to transfer the right-of-way to the City for the appraised value of \$210,000.

## BACKGROUND

On October 15, 2009 the City Council authorized the submittal of a grant application for Regional Surface Transportation Program (RSTP) funds to widen westbound Herndon Avenue from Fresno Street to State Route 41 (SR-41). The project was selected for funding and the design and environmental work is now complete. The work includes widening Herndon by 14 feet, installing new curb and gutter, construction of a multipurpose trail, and new pedestrian access ramps at Fresno Street and the SR-41 entrance ramp. This project is needed to relieve growing traffic congestion, meet current and future traffic demands, improve air quality through traffic operational improvements, and improve safety for vehicles, pedestrians, and bicycles. The project is tentatively scheduled to be advertised for construction bids in early 2016, with construction scheduled to begin mid-2016.

Right-of-way acquisition is needed from a portion of two adjacent properties (APN 303-180-55 and 303-170-70). A 2,651 square-foot easement and right-of-way is needed from property owned by Harvender Singh on a portion of APN 303-170-55. The City hired George Zengel and Associates to appraise the property. Zengel established the value of the two easements needed at \$187,560. Mr. Singh had a second appraisal prepared by Larry Hopper, Real Property Analysis. Mr. Hopper appraised value for the two easements was \$210,000. Staff worked with Mr. Singh regarding the value of the easements and negotiated a settlement value of \$195,000. The documents signed by the property owner have been reviewed and approved as to form City Attorney's office.

## **ENVIRONMENTAL FINDINGS**

The finding of conformity is within the Master Environmental Impact Report (MEIR) number 10130 and Mitigated Negative Declaration (MND) Air Quality prepared for the 2025 General Plan. The environmental assessment for the Herndon Avenue widening (EA-13-001) will not facilitate an additional intensification of uses beyond that which already exists or would be allowed by the above-noted planned land use designation. It is not expected that the future development will adversely impact existing City service systems or the traffic circulation system that serves the subject property. Pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act) it may be determined that a subsequent project, as identified in the MEIR pursuant to Section 21157(b)(2) of the Public Resources Code and CEQA Guidelines Section 15177, falls within the scope of a MEIR, provided that the project does not cause additional significant impacts on the environment that were not previously examined by the MEIR and the Air Quality MND.

## **LOCAL PREFERENCE**

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

## **FISCAL IMPACT**

There is no impact on the General Fund. Right-of-way acquisition will be accomplished utilizing Federal RSTP grant funds as approved by the Council in the adopted FY2016 budget.

Attachments:

APN Vicinity Map

Exhibits "A" & "B"