



## Legislation Details (With Text)

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**Title:** \*\*\*RESOLUTION - 31st Amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to appropriate \$26,000 in developer contribution for final reimbursement of right-of-way acquisition deposit for Tract 5273 (Requires 5 affirmative votes)  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 16 31st Developer. SRM.pdf

Date	Ver.	Action By	Action	Result
2/4/2016	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**February 4, 2016**

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Public Works Department

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Public Works Department, Traffic & Engineering Services Division

## SUBJECT

\*\*\*RESOLUTION - 31<sup>st</sup> Amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to appropriate \$26,000 in developer contribution for final reimbursement of right-of-way acquisition deposit for Tract 5273 (Requires 5 affirmative votes)

## RECOMMENDATIONS

Staff recommends that the City Council adopt the 31<sup>st</sup> Amendment to Annual Appropriation Resolution No. 2015-104, to allocate \$26,000 in developer contributions for final reimbursement of right-of-way acquisition deposit for Tract 5273.

## **EXECUTIVE SUMMARY**

The City received a request from Gary McDonald Homes in 2013 for assistance to acquire right-of-way along Chestnut Avenue north of Copper Avenue. McDonald deposited \$135,000 to purchase the right-of-way from three land owners and pay City staff time to negotiate the acquisitions. The right-of-way acquisitions have now been completed without using all of the funds deposited. Staff recommends appropriating the funds remaining in the account, in order that staff may return the remaining funds to the developer.

## **BACKGROUND**

A Condition of Approval of Subdivision Tract 5273, was to acquire right-of-way for Chestnut Avenue north of Copper Avenue. Initially, right-of-way was needed from three parcels. However, McDonald Homes purchased two of the parcels, so only one parcel remained where right-of-way needed to be purchased. That property was owned by the George Family Trust. After many months of negotiations, the George Family dedicated their portion of the right-of-way in exchange for being allowed to connect to a temporary ponding basin on property belonging to McDonald Homes. Of the \$135,000 that was deposited to acquire the parcels, a little over \$42,000 was spent on staff time and related expenses. The Fiscal Year 2016 Budget allocated \$67,500 for the land acquisition and the staff work. Staff recommends that the City Council adopt the 31<sup>st</sup> Amendment to AAR No. 2015-104 to appropriate \$26,000 in additional funds to fully refund to Gary McDonald Homes all funds that were not used for the land acquisition. With all the work complete, the remaining balance needs to be returned to the developer and the project closed.

## **ENVIRONMENTAL FINDINGS**

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 this item does not qualify and is therefore exempt from the California Environmental Quality Act requirements.

## **LOCAL PREFERENCE**

Not applicable because this is not a competitive bid. Developer 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 developer deposited the amount requested by the City of Fresno to cover any and all costs, including legal fees and contingency overruns.

Attachment:

31<sup>st</sup> Amendment to the Annual Appropriation Resolution No. 2015-104