



## Legislation Details (With Text)

**File #:** ID16-803      **Version:** 1      **Name:**

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**File created:** 6/24/2016      **In control:** City Council

**On agenda:** 7/28/2016      **Final action:** 7/28/2016

**Title:** Actions pertaining to the acquisition of a portion of APN 505-080-22s, owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997, for the Veterans Boulevard project:

1. Approve the acquisition of 37,270 square feet of property owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997 in fee simple right-of-way for public street purposes, in the amount of \$159,800 for the construction of Veterans Boulevard interchange over State Route 99 near Bullard Avenue and Golden State Boulevard. (Council District 2)
2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 07282016Veterans Blvd Vicinity Map 4-21-14.pdf, 2. Veterans Overcrossing Vicinity Map.pdf, 3. Signed Purchase and Sale Agreement.pdf

Date	Ver.	Action By	Action	Result
7/28/2016	1	City Council	approved	Pass

## REPORT TO THE CITY COUNCIL

**July 28, 2016**

**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

CRAIG L. HANSEN, Supervising Real Estate Agent  
Public Works Department, Real Estate Services Section

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

## SUBJECT

Actions pertaining to the acquisition of a portion of APN 505-080-22s, owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997, for the Veterans Boulevard project:

1. Approve the acquisition of 37,270 square feet of property owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997 in fee simple right-of-way for public street purposes, in the amount of \$159,800 for the construction of Veterans Boulevard interchange over State Route 99 near Bullard Avenue and Golden State Boulevard. (Council District 2)
2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction

## **RECOMMENDATION**

Approve the acquisition of 37,270 square feet of property owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997, in the amount of \$159,800 for the construction of the Veterans Boulevard interchange over State Route 99 near Bullard Avenue and Golden State Boulevard and authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

## **EXECUTIVE SUMMARY**

The City of Fresno, in cooperation with the California Department of Transportation (Caltrans), proposes to build a new interchange over State Route 99 plus supporting roadway improvements in northwest Fresno. The improvements will add a new interchange to State Route 99 between Shaw Avenue and Herndon Avenue as well as a new city arterial roadway that will enhance the local circulation network. The sellers, John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997, have agreed to the negotiated value of \$159,800 for the acquisition of a portion of this property located adjacent to State Route 99 near Bullard Avenue and Golden State Boulevard. This acquisition is for right-of-way for public street purposes.

## **BACKGROUND**

Veterans Boulevard, originally referred to as the Herndon-Grantland Diagonal, was part of the 1984 General Plan and is a planned six-lane super arterial in the 2035 General Plan. The interchange idea was refined in 1986 with a feasibility study conducted to analyze potential interchange/grade separation configurations, with the intention of determining the alternative best suited to the site and the proposed Veterans Boulevard. In 1991, a Project Initiation Document was completed, and in 1996, the official plan line for Veterans Boulevard was adopted. In recent years, staff has completed the Project Study Report (PSR), Project Report, and Environmental Impact Report (EIR). Veterans Boulevard and the proposed interchange with State Route 99 are identified as part of the Circulation Element in both the City and County General Plans. The new interchange would be a partial cloverleaf connecting State Route 99 and Veterans Boulevard. A new Veterans Boulevard overcrossing would span State Route 99 with three northbound and three southbound lanes, a Class I bicycle lane/pedestrian trail on the west side of the structure, and Class II bicycle lanes on both sides. Veterans Boulevard will have ramps connecting to Golden State Boulevard and will span over the Union Pacific Railroad. Drainage basins will be built to retain water runoff from the project. Typical freeway interchange landscaping will be provided. The City Attorney's Office has reviewed and approved as to form the proposed Purchase and Sale Agreement.

The acquisition of a portion of this property located near Bullard Avenue and Golden State Blvd east of State Route 99 (APN 505-080-22s), was appraised by Kelly P. Stevens of Real Property Analysts, under the direction of Lawrence D. Hopper, MAI. Mr. Steven's appraised the property at \$159,800 for

the 37,270 square feet required for the project. The seller has agreed to the appraised value of \$159,800.

The subject property contains a ponding basin which is currently used by Seller for drainage purposes; the ponding basin will ultimately become unavailable for Seller's use due to the construction of the SR 99 interchange and the construction of Veterans Boulevard Phase 2 projects (collectively, "City's Project"). As such, City and Seller agree as follows:

- Seller shall remain responsible for its obligations related to drainage from its property.
- Seller may continue to use the ponding basin at no charge until City provides Seller with a Notice of Commencement of City's Project; City shall provide such notice as soon as possible, and at least nine months prior to commencement of City's Project.
- Seller shall relocate its ponding basin within six months of the Notice of Commencement of City's Project.
  - Seller shall be responsible for construction of the relocated ponding basin by a licensed contractor via a competitive bid process involving multiple bids.
  - Seller shall first attempt to relocate the ponding basin on its own property; if Seller is unable to do so, Seller and City shall work together to identify alternate adjacent City-owned property on which to relocate the ponding basin. Seller shall pay City the same price per square foot for such City property as City paid Seller hereunder for Seller's existing ponding basin.
- City agrees to pay for the reasonable cost of relocating the ponding basin (excluding costs associated with property acquisition, if any) based upon the lowest cost from qualified multiple bids by licensed contractors.
- Notwithstanding the aforementioned, should High Speed Rail provide a storm drainage system within the soon-to-be relocated Golden State Boulevard prior to relocation of the ponding basin, Seller shall be responsible for connecting to such system as soon as is reasonably possible and City shall be relieved of any responsibility related to relocation of the ponding basin.
- Seller and City shall work together in good faith to address any concerns regarding this agreement presented by either Party.

## ENVIRONMENTAL FINDINGS

The proposed project is a joint project by the Caltrans and the Federal Highway Administration, and is subject to state and federal environmental review requirements. Project documentation, including an EIR, has been prepared in compliance with both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans is the lead agency under NEPA and CEQA. In addition, Federal Highway Administration's responsibility for environmental review, consultation, and any other action required in accordance with applicable Federal laws for this project is being, or has been, carried out by Caltrans under its assumption of responsibility pursuant to 23 United States Code 327.

An initial study and EIR (SCH No. 2010021054) was prepared for this project and adopted on June 7, 2013. This approval is to implement a portion the project. An analysis has been performed pursuant to CEQA Guidelines § 15162 to determine whether subsequent environmental review is required for this project. 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 to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. No substantial changes occurred with respect to the circumstances under which the project was undertaken which will require major revisions to the EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. There is no new information, which was not known and could not have been known at the time of the EIR that was not discussed in the EIR.

Based upon these findings, it has been determined that no further environmental documentation is required for this project.

## **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**

The Veterans Boulevard project is being funded through Measure “C” Tier 1 funds, Citywide Regional Street Impact fees, State Transportation Improvement Program (STIP) funding, Regional Transportation Mitigation Fees (RTMF) and Federal transportation funds. The \$130 million Veterans Boulevard Project which is located in Council District 2 will have no impact upon the General Fund.

### **Attachments:**

Veterans Blvd Vicinity Map

APN Vicinity Map

Signed Purchase and Sales Agreement