



Legislation Details (With Text)

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Title: ***RESOLUTION - 6th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$250,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Tract Map 5341 on Clinton Avenue between Fowler Avenue and Locan Avenue (Council District 4) (Requires 5 affirmative votes)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 2016 08-28 6th Tract 5341 RoW. SRM.pdf

Date	Ver.	Action By	Action	Result
11/17/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

November 17, 2016

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

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

SUBJECT

***RESOLUTION - 6th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$250,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Tract Map 5341 on Clinton Avenue between Fowler Avenue and Locan Avenue (Council District 4) (Requires 5 affirmative votes)

RECOMMENDATION

Staff recommends that the City Council adopts the 6th Amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$250,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements from six parcels on Clinton Avenue between Fowler Avenue and Locan Avenue for Tract Map 5341.

EXECUTIVE SUMMARY

Benchmark Communities has requested City assistance to acquire right-of-way from six 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 5341, Benchmark Communities deposited \$250,000 to fund City staff costs as well as the value of the easements to be acquired. Staff recommends adoption of the resolution to allow staff to proceed with the right-of-way acquisition to enable the infrastructure to be constructed as soon as possible.

BACKGROUND

Benchmark Communities has requested City assistance to acquire right-of-way from six properties along Clinton Avenue between Fowler Avenue and Locan Avenue. They have received City approval to construct a residential housing tract with 161 homes on the south side of Clinton, east of Temperance. Benchmark also sold property on the southeast corner of Clinton Avenue and Temperance Avenue to Clovis Unified School District for Boris Elementary School. The school construction is complete and classes began August 24, 2016. The Tentative Tract Map Conditions of Approval require that Benchmark widen Clinton Avenue between Armstrong Avenue and Locan Avenue. The work on Clinton Avenue also includes the installation of a sewer main, and a large diameter storm drain pipe.

Benchmark 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 additional right-of-way that is needed. The storm drain and sewer pipes have been installed but the additional right-of-way is needed to complete the street improvements. Benchmark has acquired the necessary right-of-way from several parcels, but has not been successful in the acquisition needed from six parcels.

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.

FISCAL IMPACT

There will be no impact to the General Fund as a result of the recommended action. Benchmark Communities has deposited \$250,000 to cover any and all costs, including legal fees, contingency overruns, and City staff costs.

Attachment:
Resolution - AAR